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President: Mr. Kerim ..... (The Former Yugoslav Republic of Macedonia)

The meeting was called to order at 10.10 a.m.

Agenda item 77

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General on the oceans and the law of the sea (A/62/66 and Add.1 and Add.2)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its eighth meeting (A/62/169)

Draft resolution (A/62/L.27)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/62/260)

Draft resolution (A/62/L.24)

The President: I give the floor to Her Excellency Ms. Asha-Rose Migiro, Deputy Secretary-General of the United Nations.

The Deputy Secretary-General: It is an honour for me to address the General Assembly on behalf of the Secretary-General on this day, which marks the twenty-fifth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea, commonly referred to as the constitution of the oceans. It is also a privilege to stand before the Assembly 40 years after Ambassador Arvid Pardo of Malta, in this very forum, inspired the international community to work relentlessly towards an international legal order that would regulate all uses of the oceans for the benefit of all.

The Convention was a major achievement of the United Nations in its quest to strengthen peace, security, and cooperation and friendly relations among all nations and to promote the economic and social advancement of all peoples of the world. The Convention included new and innovative concepts in the development of international law. It further provided an impetus for the conclusion of other international instruments related to numerous aspects of ocean uses, such as the conservation, management and sustainable use of living marine resources.

The global regime set out in the Convention replaced uncertainty and the risk of conflict with clarity and stability, and opened the way to increased international cooperation. It was the first multilateral treaty providing for compulsory dispute-settlement mechanisms entailing binding decisions, setting an important precedent.

Over the past 25 years, considerable progress has been made towards the goals of the Convention. Potential conflicts over maritime space and resources have been avoided. Pollution is being addressed

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through various instruments, and many sources of pollution are the subject of strict regulation. Our knowledge of the oceans and their ecosystems, while still expanding, has considerably improved through marine scientific research.

At the same time, it is necessary to recognize that the implementation of some of the provisions of the Convention has lagged behind. The world's fisheries continue to be depleted. The marine environment continues to be degraded by pollution from various sources, including pressure from growing coastal populations and climate change. Transnational organized crime — such as the illicit traffic in narcotic drugs, the smuggling and trafficking of persons, acts of piracy and terrorist acts — also presents major threats.

The Secretary-General's reports on these issues have noted with concern that some of these illegal activities continue to occur and are on the rise in some regions. In particular, the plight of persons smuggled or trafficked by sea raises significant humanitarian and maritime issues that require urgent attention. New uses of the oceans, as well as emerging issues such as the adaptation of coastal communities to the impacts of climate change, also pose challenges that require enhanced understanding and interdisciplinary solutions.

Many of these challenges transcend national boundaries. Addressing them requires further concerted efforts by actors working together at the national, regional and global levels. It all also requires cooperation to ensure that all parties have the legal, institutional, economic, technical and scientific capacity to abide by the Convention's provisions.

The Convention has overcome many challenges in the past 25 years and remains the fundamental basis for peace, order and security in the oceans.

With 155 parties to date, including the European Community, the Convention is one of the few international agreements that are widely applied, including by many non-parties. The Secretary-General and I encourage those States that have not yet done so to consider becoming parties to the Convention in order to achieve universal participation.

It is my hope, and that of the Secretary-General, that the challenges lying ahead will be dealt with in the same spirit of cooperation, dedication, commitment and understanding that prevailed during the Third United Nations Conference on the Law of the Sea, which led to the adoption of the Convention. Nothing less is required if present and future generations are to benefit from the bounty of the oceans, while protecting the marine environment and achieving sustainable development.

The President: I thank the Deputy Secretary-General for her statement.

I now give the floor to the representative of Brazil to introduce draft resolution A/62/L.27.

Mrs. Viotti (Brazil): At the current session of the General Assembly, Brazil has once again had the honour of coordinating the informal consultations on oceans and the law of the sea under sub-item (a) of agenda item 77. I am therefore pleased to introduce draft resolution A/62/L.27, entitled "Oceans and the law of the sea", on behalf of its sponsors.

This omnibus draft resolution on the law of sea is the result of the intense and constructive work of many delegations during informal consultations. I take this opportunity to thank them for their active participation and cooperation. I also express my deep gratitude to Mr. Václav Mikulka, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their highly professional assistance.

I am pleased to introduce the draft resolution today, 10 December 2007, exactly 25 years after the United Nations Convention on the Law of the Sea (UNCLOS) was opened for signature. As emphasized in the draft resolution, the Convention has a universal and unified character and sets out the legal framework within which all activities in the oceans and seas must be carried out. The draft resolution also notes with satisfaction the twenty-fifth anniversary of the Convention and emphasizes its pre-eminent contribution to the strengthening of peace, security, cooperation and friendly relations among all nations, to the promotion of the economic and social development of all peoples of the world and to the sustainable development of the oceans and seas.

As in previous years, the draft resolution covers several ocean-related issues, such as capacity-building, the effective functioning of the International Seabed Authority (ISBA) and the International Tribunal for the Law of the Sea, the work of the Commission on the Limits of the Continental Shelf (CLCS), maritime safety and security, marine science, the marine environment and marine biodiversity, among others. I

would like to highlight the following aspects of this year's draft resolution.

The draft resolution notes the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group.

The draft resolution endorses the request of the States parties to the Convention to the Secretary-General to take timely measures to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea, serving as the secretariat of the Commission on the Limits of the Continental Shelf, in order to ensure enhanced support and assistance in the consideration of submissions.

The draft resolution expresses serious concern over the current and projected adverse effects of climate change on the marine environment and marine biodiversity and calls upon States to enhance their efforts to reduce the emission of greenhouse gases in accordance with the principles contained in the United Nations Framework Convention on Climate Change, in order to reduce and tackle such effects.

It calls upon States and international financial institutions to strengthen capacity-building in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks.

It is my sincere expectation that draft resolution A/62/L.27, which reflects the support and spirit of compromise exhibited by many delegations during broad consultations, can be adopted by the General Assembly.

I will now make a few remarks in my national capacity.

Brazil was among the first signatories of the United Nations Convention on the Law of the Sea and has been consistently committed to its full implementation and to the preservation of its integrity. Even before the Convention entered into force, Brazil's 1988 federal constitution adopted legal concepts established by UNCLOS. A law passed in 1993 defined the Brazilian maritime zones in accordance with its provisions.

Endowed with a coastline over 7,500 kilometres long and a continental shelf beyond 200 nautical miles covering a wide area, Brazil was among the first countries to make a submission on the establishment of the outer limits of its continental shelf beyond 200 nautical miles. Last April, the Commission on the Limits of the Continental Shelf issued its recommendations with regard to the submission made by Brazil in 2004. The Brazilian Government is carefully studying those recommendations in order to provide a timely reaction to them. In that connection, Brazil emphasizes the continued need for active interaction between submitting States and the Commission, as recognized in the draft resolution.

Brazil is honoured that the Commission has elected by acclamation as its Chairman Mr. Alexandre Tagore Medeiros de Albuquerque, who has been a member of the CLCS since its inception. We welcome the provisions in the draft resolution to address the workload of the Commission owing to the increasing number of submissions.

The adoption by the Commission of common criteria concerning technical issues of a general nature for which neither the Convention nor the scientific and technical guidelines provide any specific guidance should be addressed as a matter of priority. Without consistent methodology and approaches, recommendations of different subcommissions regarding similar or analogous underwater features may vary significantly and lead to discriminatory situations concerning the delimitation of the outer limits of continental shelves.

Last October, Brazil ratified the Agreement relating to the Implementation of Part XI of the Convention and the Protocol on the Privileges and Immunities of the International Seabed Authority. Those ratifications reinforce Brazil's commitment to the law of the sea and will further strengthen our relationship with the Authority. The Brazilian Government is also organizing a regional workshop with ISBA, to be held in Rio de Janeiro in 2008, with a view to enhancing knowledge and scientific cooperation regarding the international seabed in the South and Equatorial Atlantic Ocean.

This year, it was not possible to reach consensus on the outcome of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea with regard to marine genetic resources. The next meeting of the Ad Hoc Open-ended Informal

Working Group will provide a useful opportunity to further understand and discuss the issue of marine genetic resources beyond areas of national jurisdiction within the framework established by the Convention, according to which activities in the Area are to be carried out for the benefit of humankind as a whole, taking into particular consideration the interests and needs of developing States.

The divergence of views expressed during the eighth meeting of the Open-ended Informal Consultative Process highlights an important concern regarding the consultative process, namely, that the Process is intended to facilitate and contribute to the debates to be held in the General Assembly and not to replace or pre-empt them. It should allow for a better understanding of emerging and complex issues and help identify areas for enhanced coordination and cooperation. It is not a negotiating forum. We look forward to working constructively in that regard, both during its next meeting, on the subject of maritime safety and security, and during the review of its utility and effectiveness by the sixty-third session of the General Assembly.

Concerning sustainable fisheries, allow me to express my appreciation for the committed work of Ms. Holly Koehler of the United States as coordinator of the draft resolution that will be introduced by her delegation.

Brazil would like to reiterate that the problem of excess fishing capacity derives not only from illegal, unreported and unregulated fisheries, but is also due to the oversized fishery fleets of some developed States. Developing States have the legitimate rights, as recognized in the draft resolution on fisheries, to develop their fisheries for straddling fish stocks and highly migratory fish stocks. Those rights comprise efforts for the refurbishment of their fishing fleets.

Twenty-five years ago in Montego Bay, the United Nations ushered in a new era for the law of the sea, an era that combines the traditional freedom of seas with the principles of the international seabed as common heritage of mankind, the conservation of marine living resources and the protection of the marine environment.

Brazilian writer Clarice Lispector has described the sea as the most incomprehensible of non-human existences. Its complexities have inspired both fascination and fear since the dawn of human societies.Accordingly, the law of the sea has been in constant evolution in order to address a wide and ever increasing array of ocean-related issues and concerns. Nonetheless, the role of the Convention as the constitution of the oceans and its landmark contribution to the maintenance of peace, justice and progress for all peoples of the world remains as vital as in 1982.

The President: I now give the floor to the representative of the United States of America to introduce draft resolution A/62/L.24.

Ms. Knight (United States of America): The United States has the honour to co-sponsor draft resolution A/62/L.27, entitled "Oceans and the law of the sea". We also have the honour to introduce, on behalf of the sponsors, draft resolution A/62/L.24, on sustainable fisheries.

Let me begin by expressing great appreciation for the exceptional spirit of cooperation exhibited by delegations involved in crafting both draft resolutions this year. Working informally during the weeks between negotiating sessions, in small groups after the conclusion of scheduled sessions, and even in "informal informals", we were able to find language acceptable to all delegations. May this spirit of cooperation also characterize our efforts to address issues that lie ahead in the new year.

The United States is pleased that we were able to incorporate some very useful information and discussions that took place in the 2007 Informal Consultative Process on marine genetic resources into this year's oceans draft resolution. We believe that this bodes well for our discussions in this spring's Ad Hoc Working Group. We also look forward to our discussion on maritime security and safety issues in next summer's Informal Consultative Process, which is a very useful forum for addressing cutting-edge oceans issues.

The United States, as noted in the past, places great importance on ensuring freedom of navigation, safety of navigation, the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular with the Convention. In this context, we note with appreciation the recent conclusions and discussions at the Assembly of the International Maritime Organization.

This year's resolution on sustainable fisheries contains important provisions to address such critical issues as control of illegal, unregulated and unreported fishing; reduction of fishing capacity; implementation of the Fish Stocks Agreement; regulation of destructive fishing practices; and other important matters.

Perhaps the most notable aspect of this year's draft resolution are the provisions for the regulation of shark fisheries, including those calling for strengthened implementation of existing measures and consideration of a range of new measures to manage those stocks comprehensively and effectively. In this year's draft resolution, the United States, along with many other countries, sought strong results to address critical gaps in oceans governance that currently exist with respect to many fisheries. We view the provisions contained in the draft resolution as another in a series of welcome and positive steps forward. We will continue to work to advance these issues bilaterally, through the relevant regional fisheries management organizations and arrangements (RFMOs) and in negotiations to establish new regional organizations where they do not currently exist.

The draft resolution also establishes other steps for the international community, including a resumption of consultations of the States parties to the Fish Stocks Agreement. The United States reaffirms its view concerning the significance of the Agreement and welcomes the impressive number of recent accessions to the Agreement in 2007, which we see as a positive sign in the endeavour to achieve sustainable fisheries. We urge all States that have not yet become party to the Agreement to do so. We also believe that the Agreement must continue to be the foundation for negotiations to establish new regional agreements, including agreements for the management of discrete high-seas stocks, such as the negotiations currently underway in the South Pacific and the North-western Pacific. The Agreement's basic principles should also be applied to discrete high-seas stocks by all flag States, including in areas where no competent RFMO currently exists to manage such fisheries.

Reducing the excess capacity of the world's fishing fleets continues to be a high priority for the United States. We are therefore pleased that this year's draft resolution urges States to commit to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks. We will push for full implementation of this language as we have for similar language in past resolutions.

Regarding illegal, unregulated and unreported fishing, the draft resolution recognizes continuing efforts over the past year to address this problem, but we must make further progress in this area. The upcoming negotiation of a legally-binding port States regime provides a valuable opportunity to develop stronger controls. In that exercise, which is taking place under the auspices of the United Nations Food and Agriculture Organization, we want to see port States take stronger measures to prevent the landing and trans-shipment in their ports of fish caught in contravention of existing regulatory regimes.

We continue to see that the annual sustainable fisheries resolution remains a relevant instrument through which the international community can highlight issues of concern and articulate ways to address such issues. However, much work remains if we are to ensure the sustainability of global fish stocks. It is the various RFMOs themselves, as those bodies with direct regulatory responsibility for the management of the fisheries under their purview, that must carry out this work and, in so doing, implement the guidance provided to the international community through the General Assembly resolutions. We urge all RFMOs to take timely and concrete actions to realize the calls from this body to ensure effective conservation and management of target stocks, to minimize by-catch of non-target species and to mitigate the adverse impacts of fishing activities on the broader marine environment.

The United States was once again proud to provide the coordinator, Ms. Holly Koehler, for the informal consultations on the fisheries resolution. On behalf of Ms. Koehler, we would like to thank all delegations for their hard work and cooperation in enabling the coordinator to resolve many difficult issues and help make the draft resolution successful.

Lastly, as I am sure many delegations also note, today marks the twenty-fifth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. In May of this year, President Bush urged our Senate to act favourably on United States accession to the Convention during this session of Congress. We are pleased to report that since then, the Senate Foreign Relations Committee has voted in favour of the treaty. The treaty now awaits consideration by the full Senate.

In closing, I want to share some of our efforts here in the United States to end overfishing, replenish this nation's fish stocks and advance responsible stewardship.

Just two months ago, President Bush signed an executive order to protect America's striped bass and red drum fish populations — two types of popular recreational fish still recovering from over fishing. His order prohibits the sale of striped bass and red drum caught in federal waters.

We are seeing results as we do a better job of managing marine fisheries in the United States. Important stocks such as Atlantic sea scallops and swordfish have been returned to productive levels. Since 2001, 29 stocks have been removed from the overfished list, and rebuilding plans are in place for the more than 90 per cent of the remaining overfished stocks.

Conserving wetlands is also essential. President Bush is implementing a strategy to improve, restore and replace 3 million acres of wetlands during his presidency. These wetlands act as nature's nurseries by helping small fish to survive and grow before they head to deeper waters.

These and many other initiatives are part of the President's comprehensive strategy to protect and sustain fish populations and to make the oceans cleaner, healthier and more productive. I would be glad to discuss these initiatives in more detail with interested delegations in the spirit of cooperation and of sharing ideas. Because my hope, and the hope of the President, is that people will look back at the work we have done here to conserve our fisheries and oceans and say, "We are grateful that concerned citizens from around the world came together to protect our heritage."

Mr. Lemos Godinho (Portugal): I have the honour to speak today on behalf of the European Union (EU) and the European Community as a party to the Convention on the Law of the Sea. The candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine, the Republic of Moldova and Armenia, align themselves with this declaration.

The year 2007 marks the twenty-fifth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. The Convention has made an important contribution to the maintenance of peace, justice and progress for all peoples of the world. It sets out the legal framework for all activities in the oceans, and since its adoption, it has been of paramount importance with respect to ocean affairs.

As new challenges emerge and the relevance of the oceans and seas is becoming increasingly widely acknowledged, the EU would like to reiterate the importance it attaches to maintaining the integrity of the Convention and to the pre-eminence of its jurisdictional framework.

The European Union would also like to stress the importance of the principle of freedom of navigation and the rights of innocent passage and transit passage, in accordance with the United Nations Convention on the Law of the Sea. In this respect, the EU reaffirms its view that the laws and regulations adopted by States bordering straits used for international navigation relating to transit passage through straits, in accordance with the Convention, shall not discriminate in form or in fact among foreign ships nor in their application shall they have the practical effect of denying, hampering or impairing the right of transit passage. In addition, the EU would like to stress that port States should exercise their sovereignty in relation to the management of their ports in a manner that is non-discriminatory and consistent with the United Nations Convention on the Law of the Sea and other relevant international law.

The European Union is deeply concerned about the threats that piracy and armed robbery pose to crews and ships engaged in international traffic. We find it very important for the international community, through the relevant bodies of the United Nations, to be actively engaged in combating acts of piracy and armed robbery against ships.

Another challenge is combating environmental degradation of the oceans and seas. This issue has become an urgent priority. An unprecedented effort is needed to achieve, by 2010, a significant reduction in the rate of loss of biological diversity, as called for at the World Summit on Sustainable Development. Concrete, comprehensive and timely action is required.

The European Union has, in various forums, expressed its serious concern on the issues of

conservation and sustainable use of marine biodiversity and remains fully supportive of the initiatives taken by the General Assembly in this regard. We look forward to the convening next spring of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. The EU sees it as an opportunity to carry forward the work of the General Assembly in this field, and we hope it will lead to concrete conclusions and recommendations for prompt action by the international community.

Our commitment to developing a concrete, coherent and integrated approach to the sustainable management and conservation of the oceans and their resources is demonstrated by the recent adoption of an Integrated Maritime Policy for the European Union, a common endeavour shared by European institutions, member States and stakeholders. The first and most important part deals with an integrated approach, seeking joint solutions to stimulate economic growth while at the same time preventing environmental degradation.

A key mechanism set out in the draft resolution contained in document A/62/L.27 is the Informal Consultative Process (ICP). We welcome the timely debate on maritime security and safety, which will take place during the ninth meeting of the ICP next June. The debate should focus, as a matter of high priority, on threats to maritime security and safety posed by piracy and armed robbery at sea. Furthermore, the menace that maritime terrorism may pose should not be overlooked. Another relevant issue in the context of the theme of the 2008 ICP would, in our view, be the debate on illegal migration by sea. We look forward to a constructive debate on these issues in the next ICP.

The EU also attaches particular importance to the problem of climate change, and we are seriously concerned about its adverse effects mainly on the marine environment and on marine biodiversity. We see it as timely and relevant that the draft omnibus resolution encourages the enhancement of efforts in reducing the effects of climate change.

The draft resolution duly notes with satisfaction the progress in the work of the Commission on the Limits of the Continental Shelf. In this regard, and taking into account the anticipated heavy workload of the Commission owing to an increasing number of submissions, the European Union fully endorses the request of the States parties to the Convention to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea, which acts as the secretariat of the Commission.

A positive development that deserves mention is the establishment by the International Tribunal for the Law of the Sea of a standing special chamber for maritime delimitation disputes.

The draft resolution also duly notes the work of the Ad Hoc Steering Group for the "assessment of assessments" and its second meeting. The EU reiterates its view of the assessment's relevance for improved cooperation between United Nations agencies and other bodies and as a basis for improved oceans policymaking.

The European Union wishes to express its appreciation for the excellent cooperation that led to the drafting of the draft resolution on sustainable fisheries now before us for adoption (A/62/L.24). Among the many important and pressing issues addressed by the resolution, the European Union attaches particular importance and priority to the General Assembly's calls for and recommendations relating to combating illegal, unreported and unregulated (IUU) fishing activities.

Profit is what drives those who plunder the seas illegally. Importing States need to adopt effective measures to stop their markets being used in marketing fisheries products stemming from IUU fishing. Such action would mean IUU fishing losing its economic base. The European Union is ready to do its part of the job and is already working on measures to that end, including also effective port controls. We welcome the way in which the draft resolution underlines the importance of those issues and encourage our international partners to work cooperatively to support each other's efforts and to reinforce collective action through the Food and Agriculture Organization of the United Nations and regional fisheries management organizations and arrangements. The European Union stands ready to assist developing countries in their capacity-building needs to tackle IUU fishing and to help build sustainable fisheries.

The European Union welcomes the significant expansion in participation in the United Nations Fish Stocks Agreement seen over the past 18 months. We reiterate our attachment to universal adherence to the Agreement. We fully support every effort to establish a dialogue with those States that have expressed

difficulties in joining that key instrument. The European Union remains convinced that such difficulties can be addressed within the context of the Agreement through the flexibility it offers for finding solutions that take into account regional specificities in fishery management and control. We invite our partners to embark on that dialogue through the informal consultations of States parties to the Agreement next year.

It is now common knowledge that sustainable fisheries means sustainable oceans. The European Union is in the process of implementing the calls made by the General Assembly last year with regard to addressing destructive fishing practices in the high seas and in our own waters. We are also working to strengthen our regulatory regime in respect of the conservation and management of sharks. In that regard, the European Union welcomes the emphasis placed by the General Assembly in the draft resolution on shark conservation. That is probably one of the areas in which fisheries management truly needs effective strengthening to face the impact of an extremely hungry and lucrative shark fin trade. Serious discipline is required if we are to conserve species that play such a fundamental regulatory role in the marine food chain. The European Union looks forward to reviewing the follow-up provided by States to the General Assembly's calls in that respect in two years time.

Finally, I would like to express our appreciation to the Secretariat and the Division for Ocean Affairs and the Law of the Sea for the work done over the past year in the preparation of the annual report on oceans and the law of the sea, which represents an invaluable compilation of recent developments. We would also like to thank the coordinators of both draft resolutions for their enduring efforts to reach consensus.

Mr. Wolfe (Jamaica): I have the honour to speak on behalf of the States members of the Caribbean Community (CARICOM) which are Members of the United Nations: Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, Suriname and my own country, Jamaica.

Mr. Ehouzou (Benin), Vice-President, took the Chair.

CARICOM is particularly pleased that the debate under this important agenda item is taking place today, 10 December 2007, the twenty-fifth anniversary of the signing of the United Nations Convention on the Law of the Sea, which took place in Montego Bay, Jamaica, in 1982.

The silver observance of that historic and significant occasion reminds us once again of the critical importance of the oceans and seas as the common heritage of mankind to the development of many of the States Members of the United Nations. CARICOM member States are not unmindful of the benefits of the Convention, and we are pleased that all of the members of the Caribbean Community are States parties.

We have stated in this and other forums that, for CARICOM, the presence of the sea is more than a geographical definition, as the Caribbean Sea and its adjacent oceans represent the sine qua non of our existence. We are therefore convinced of the urgent need to conserve and protect the oceans as provided for under the Convention, as well as being able to share in its resources. It is therefore with concern that we have observed the damaging effects that such phenomena as climate change are having on the world's oceans. We are encouraged that, in the recent deliberations on the omnibus draft resolution on oceans and the law of the sea, ably facilitated by Brazil, there is language which reflects the impact of climate change on oceans and the consequent impact on the marine environment and marine biodiversity.

CARICOM thanks the Secretary-General for his comprehensive report, contained in document A/62/66, on issues relating to oceans affairs and the law of the sea. CARICOM has taken note with interest of the various elements of the report, in particular those dealing with the conservation and management of marine living resources and the protection and preservation of the marine environment.

The governance of marine fisheries, the implementation of the outcome of the 2006 Review Conference of the 1995 Fish Stocks Agreement and the promotion of measures to ensure sustainable fisheries are all areas which continue to need attention, as the continuation of illegal, unreported and unregulated fishing continues to be a source of concern for CARICOM member States. Involvement in marine science and research is also important, and we continue to support the transfer of technology that would assist

States, especially small island developing States, to participate in that type of activity.

An important aspect of the work in oceans is the International Tribunal for the Law of the Sea (ITLOS). This year, ITLOS commemorated its tenth anniversary. We wish to commend the Tribunal for the work done in ensuring the effective fulfilment of its mandate since its establishment. CARICOM is especially pleased at the ongoing work being done by the Tribunal to increase awareness of its jurisprudence, including the initiative of the International Foundation for the Law of the Sea's holding of a symposium in Hamburg on the jurisprudence of the Tribunal. In supporting the Tribunal's effort to increase awareness of its role, Jamaica was pleased to host the Tribunal's second regional workshop on the settlement of disputes from 16 to 18 April this year.

The second workshop provided for a rich exchange of views and served to broaden the knowledge of all participants on law of the sea-related disputes. A wide range of issues, including matters relating to the determination of entitlements over maritime areas, the determination of baselines and the submission of disputes to the Tribunal, provided engaging areas for discussion. It was particularly useful to small island States, which participated very actively.

The work of the Commission on the Limits of the Continental Shelf is important to us, in keeping with its role under paragraph 8 of article 76 of the Convention, to receive information from coastal States seeking to extend, by the 2009 deadline, their continental shelf jurisdiction beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. Consequently, urgent steps must now be taken to improve its working methods. It is imperative that effective measures be taken to ensure the timely and efficient performance of the Commission's functions.

We continue to support also the availability of resources under the Trust Fund established by General Assembly resolution 55/7 to assist members of the Commission from developing countries to participate in its sessions. In that regard, we call upon all States that are in a position to do so to contribute to the Fund.

Maritime trade represents an important component in global commercial activity. As noted in the Secretary-General's report, world seaborne trade continued to grow, reaching 7.11 billion tons of goods. Maritime trade is particularly important to the growth and development of the Caribbean region.

Safety of navigation is a critical component in promoting growth in maritime commerce. Safe, secure and crime-free routes for navigation and the implementation of international rules and standards for improving maritime safety must form part of a comprehensive programme aimed at protecting maritime trade. We therefore welcome the recent developments aimed at improving the regulatory structures governing the safety of navigation.

Of primary importance to the Caribbean region is the danger posed by the maritime transport of radioactive materials. As a region, we remain concerned by the potential for severe consequences to life and health, as well as to our economies, in the event of an accident during maritime transportation of radioactive materials. The fragile marine ecosystem of the region faces the risk of irreparable damage and consequently significant negative consequences for the economic well-being of the peoples of the region.

While we recognize the principles of freedom of navigation and innocent passage, we continue to urge the States concerned not to use the Caribbean Sea as a transit route for the shipment of nuclear materials. We also urge the International Maritime Organization (IMO) to continue the development of standards for the safety of vessels and we urge agreement on a workable compensation mechanism for coastal States in the event of an accident.

We therefore note the progress made in the implementation of the Action Plan for the Safety of Transport of Radioactive Material, as indicated during the International Atomic Energy Agency's 2006 General Conference. The informal discussions on communication in relation to the safe transport of radioactive materials, which took place in July 2005 and September 2006, between shipping States and relevant coastal States, are most welcomed developments. We urge further dialogue between these States and look forward to the development of mutually agreed standards and mechanisms to ensure further cooperation.

We note in this connection the work undertaken by the IMO to enhance navigational safety, accident prevention and environmental protection. I should mention here that two CARICOM member States, the

Bahamas and Jamaica, were recently elected to the IMO Council.

As indicated in the Secretary-General's report, the illicit traffic in narcotic dugs and psychotropic substances is a matter of concern, with shipping vessels providing a means of transport for the delivery of illicit drugs. To effectively respond to the threat of drug trafficking, the Caribbean region, in collaboration with the heads of national drug law enforcement agencies in other regions, has expressed support for the strengthening of law enforcement cooperation at the national and regional levels.

CARICOM has noted with interest the adoption by the IMO of the Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international traffic.

While we encourage measures to promote cooperation in drug interdiction in the Caribbean Sea, we must reiterate that cooperation should not be confined to concerns about drug trafficking. Such cooperation and initiatives should extend to the illicit traffic in small arms and light weapons which threaten stability in the region. In this regard, we again call for assistance to States in the region in their interdiction efforts, particularly in the acquisition of equipment and vessels. CARICOM expresses appreciation to those countries which have provided assistance in these areas.

The safety of persons at sea is one of concern, particularly those which engage in illegal migration or are susceptible to the coercive charms of smugglers and traffickers of humans. We commend the United Nations Environmental Programme on its ongoing efficient role in promoting a comprehensive institutional framework for cooperation on issues relating to coasts, oceans and seas. Their work in engaging Governments in efforts to protect the coastal and marine environment is of particular importance for regions like the Caribbean, which is heavily dependent on the exploitation of marine resources.

In the wider Caribbean region, the Caribbean Environment Programme continues to implement the six strategic directions for regional seas through the five-year strategy of the Caribbean Environment Programme. We note the holding of the twelfth intergovernmental meeting in Montego Bay, Jamaica, from 29 November to 2 December 2006. The meeting provided the opportunity to evaluate projects and activities implemented during the period 2004-2005. It is hoped that every effort will be made to use the assessment to identify areas for improvement.

We also note the adoption of General Assembly resolution 61/197 entitled "Towards the sustainable development of the Caribbean Sea for present and future generations". As expressed in the resolution, we call on the international community to assist Caribbean countries and their regional organizations in their effort to ensure the protection of the Caribbean Sea from degradation as a result of pollution from ships.

Such assistance will be especially required to address the illegal release of oil and other harmful substances, illegal dumping or the accidental release of hazardous waste in violation of relevant international rules and standards, as well as pollution from land-based activities, as this type of pollution challenges the fragile ecosystem of the Caribbean Sea and puts at risk the sustainability of our livelihoods in agriculture, fisheries and tourism. The increased incidences of natural disasters caused in part by changes to the global temperature have contributed to this pollution due to increased run-off from increased rainfall.

In this regard, CARICOM welcomes the recent publication of the Caribbean Sea Ecosystem Assessment, one of the subglobal assessments prepared under the aegis of the Millennium Ecosystem Assessment. The assessment is cause for both concern and hope. It points to the many existing and potential threats to the Caribbean Sea, but it also highlights the policies, governance and legal instruments that the countries of the region, as well as the international community, can employ to protect the Caribbean Sea and the peoples of the region whose livelihoods depend on it.

CARICOM wishes to express support for the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and we acknowledge with appreciation the work undertaken by the coordination office in skills training and education for small island developing States in relation to water, sanitation and wastewater management.

The work of the International Seabed Authority and the Council continues to be useful in the work on prospecting and exploration for polymetallic sulphides. In this regard, it is important to recall that the

Authority was established under the Law of the Sea Convention to administer, on behalf of the international community, the Area and its resources beyond national jurisdiction, which is appropriately referred to as "the common heritage of mankind". CARICOM therefore continues to urge full participation in the work of the Authority. Full attendance and participation enhances not only the credibility and legitimacy of the Authority, but also the quality of its work. In this regard, we recall paragraph 32 of General Assembly resolution 61/222, which urges all States parties to the Convention to attend the sessions of the Authority and calls on the Authority to continue to pursue all options, including the issue of dates, in order to improve attendance at Kingston and to ensure global participation.

Finally, CARICOM is pleased to note that the number of parties to the Convention has increased and encourages those States which have not yet done so to ratify the Convention with a view to ensuring universal acceptance.

Mrs. 'Utoikamanu (Tonga): I have the honour to speak on behalf of the members of the Pacific Island Forum represented at the United Nations, namely, Australia, Fiji, the Federated States of Micronesia, Kiribati, the Republic of the Marshall Islands, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, Vanuatu and my own country, Tonga.

The Pacific Islands Forum covers a region of island States blessed collectively with a vast expanse of interlocking ocean spaces and a wealth of marine resources. We share the common objective of harnessing the value of the marine and environmental resources of our region and ensuring, as their joint custodians, the sustainable conservation and management of those resources. We therefore welcome new measures agreed in this year's sustainable fisheries draft resolution in relation to the conservation and sustainable management of shark species.

Developments in ocean affairs and the law of the sea are of primary importance to the countries of the Pacific Island Forum. We consider the annual debate under this agenda item and the resolutions that emanate from it as an integral part of our annual work, providing a unique opportunity to take stock and prioritize the ongoing strengthening of the governance of oceans. We commend the coordinators of the draft resolutions for the able manner in which they conducted the negotiations, as well as the Division of Ocean Affairs and the Law of the Sea for its helpful support and organization.

Our group has continued to value the primacy of the United Nations Convention on the Law of the Sea as the constitutional framework for human interaction with the world's oceans and seas. We welcome the increasing number of States parties to the Convention, which reminds us of the Convention's relevance, maturity and growing universality.

Comprising over 10 per cent of the Earth's surface, Pacific island regional waters are home to fish stocks of global importance. Much of that ecologically rich marine area falls within the national jurisdiction of small island developing States, whose successful stewardship of marine resources is often compromised by geographic isolation, small populations and lack of technical expertise. We therefore recognize in particular the importance to small island developing States of capacity building initiatives, and welcome the many references in the draft resolutions to various efforts aimed at supporting and furthering the implementation of the Convention and the Agreement. Given the challenges that lie ahead in achieving internationally agreed development goals, we believe that such initiatives will require our renewed attention in the coming years.

On another issue of great importance to the countries of the Pacific Island Forum, we are pleased to have participated actively in efforts to ensure greater recognition in this year's draft resolution on oceans of the impacts on the marine environment of climate change and ocean acidification. We also recognize the need to exercise caution in relation to emerging ocean sequestration technologies, including ocean fertilization.

The members of the Pacific Islands Forum continue to view illegal, unreported and unregulated fishing as the greatest threat to the future sustainability of our regional marine resources and the marine environment. We strongly support the call in this year's draft resolution for urgent action to address that pressing issue. We call attention to the success of recent joint enforcement exercises and urge our partners to continue to work with us in that common and mutually beneficial endeavour.

At the Pacific Islands Forum Leaders' Meeting held in Tonga in October this year, representatives and

experts from our countries agreed on a declaration on the key challenges facing the region in the management of our fisheries resources. The Vava'u Declaration on Pacific Fisheries Resources: Our Fish, Our Future is a strong call for a long-term strategic approach to ensuring the effective management of those resources, including through upholding and strengthening existing regional arrangements, agreements and conservation measures. The effective management of increasingly threatened stock levels will provide enduring benefits for all Forum countries.

By way of example, the members of the Pacific Islands Forum continue to work with other interested participants in negotiations to conclude the South Pacific regional fisheries management organization. The agreement aims to fill a crucial gap in the management of high-seas fisheries in the South Pacific Ocean. There have been two further meetings this year. While there are still issues to resolve, negotiations are progressing well towards concluding an agreement. In that regard, we welcome the call contained in the draft resolution on oceans to ensure a cautious and responsible approach to the exploitation of fish stocks pending the implementation of interim conservation measures for areas potentially covered by a regional fisheries management organization agreement still under negotiation.

Our region has a high concentration of vulnerable marine ecosystems, including coral reefs, hydrothermal vents and underwater seamounts. We welcome the progress made this year to implement measures for bottom fishing agreed in last year's sustainable fisheries resolution. We are very pleased with the strong interim measures agreed by all those participating in negotiations towards a South Pacific regional fisheries management organization.

Turning to the institutional aspects of our work, our group is particularly pleased with recent changes made to the procedure for accessing funds available in the United Nations Trust Fund to support the preparation of submissions to the Commission on the Limits of the Continental Shelf. We wish to express our deep gratitude to those involved in helping to rectify a previously difficult situation.

More broadly, our group is alert to the need to ensure the efficient and effective functioning of the Commission, and welcomes the acknowledgement in this year's draft resolution of the need to improve resources made available to the Division for Ocean Affairs and the Law of the Sea in its role as secretariat.

We continue to support the work and role of the United Nations Informal Consultative Process. In our view, the Process is an invaluable component of our annual work on the law of the sea and provides a flexible, interactive and integrated forum for deepening our understanding and informing our work on oceans affairs and the law of the sea. We also look forward to the second meeting of the Ad Hoc Open-ended Informal Working Group on marine biodiversity beyond national jurisdiction in 2008. There is a clear need to continue, openly and transparently, to consider the full range of issues relating to the governance, conservation and management of high seas biodiversity, including considering options for developing a more coordinated international approach.

It is critical that all States, including those in the Pacific Island Forum, have an equal opportunity to participate actively in these discussions, particularly given the significance of the subject matter for our region, and beyond.

Mr. Hoang Chi Trung (Viet Nam): The oceans and the seas are becoming increasingly vital frontiers in our efforts for sustained economic growth and sustainable development. Since the historic entry into force of the United Nations Convention on the Law of the Sea, in 1994, United Nations Member States, most of whom are States parties to the Convention, have made tireless efforts to enhance the management of the exploration and exploitation of the oceans and seas in the interests of humankind. My delegation therefore welcomes the opportunity to participate in this debate and attaches great significance to the topic under discussion.

My delegation also takes note of the report of the Secretary-General on oceans and the law of the sea (A/62/66), which served as a good basis for the discussions at the seventeenth Meeting of States Parties to the United Nations Convention on the Law of the Seas and the eighth meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, in June this year. The comprehensive contents of the report, as well as the views expressed by States at the two aforementioned meetings, show that there are still many issues that deserve our serious attention and require further international cooperation aimed at finding sustainable solutions.

The Convention has, in effect, provided a comprehensive and sound international legal order for the oceans and seas, thus contributing to the strengthening of peace, security, cooperation and friendly relations among nations in conformity with the principle of justice and equal rights. This constitution of the oceans is well known as a balanced package in which competing interests had to be reconciled. It is in our common interest to try to preserve the integrity of the Convention.

The Government of Viet Nam attaches great importance and significance to the Convention and is consistently committed to respecting its provisions in good faith and through concrete actions. We believe that, in implementing the provisions of the Convention, no one State Party can avoid differences or disputes with other States. That is why, in our view, it is preferable to have exchanges of views aimed at achieving better mutual understanding and promoting cooperative projects in keeping with the Convention's provisions.

In this spirit of cooperation and respect for the rule of law, Viet Nam has joined China and the countries of the Association of Southeast Asian Nations (ASEAN) in implementing the Declaration on the Conduct of Parties in the South China Sea. The Vietnamese Government strongly believes that successful implementation of the Declaration — particularly through joint projects on marine scientific research and the rescue of people and vessels in distress at sea, which have been discussed among the parties to the Declaration — will create an environment more conducive to peace, stability and economic development in the region.

We share the assessment of many coastal States that enhancing maritime safety and security is vital for the development of international navigation and communication. We have, therefore, joined other countries in our region in formulating and bringing into force the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). In implementing the Agreement, Viet Nam is engaging in information-sharing through the ReCAAP Information Sharing Centre in Singapore and is developing other forms of cooperation with its members.

My delegation followed closely the negotiations on the draft resolutions on the law of the sea and sustainable fisheries at the present session. We are pleased to note that, in spite of diverging views and concerns that made the negotiations very difficult and time-consuming, we managed to finalize the texts of the draft resolutions now before us. My delegation supports the adoption of those draft resolutions by the General Assembly.

Ms. Negm (Egypt) (*spoke in Arabic*): At the outset, I should like to welcome the Secretary-General's reports concerning the status of the oceans, seas and fisheries. We express our appreciation to the Division for Ocean Affairs and the Law of the Sea for its work in preparing those reports and disseminating the information set forth therein and other information of special importance.

Since fishery resources contribute to food security, poverty alleviation, economic development and human health in many countries throughout the world, particularly developing countries, Egypt attaches great importance to the efforts being made at the international level to improve the status of the oceans and seas and to undertake measures aimed at ensuring the sustainable use of seas and fisheries. However, the continued degradation of coastal and marine ecological systems caused by land-based human activities and the overexploitation of marine fisheries continues to be a source of great concern for us. That situation requires that all of us make greater efforts to take protective measures that minimize the by-catch of endangered species and prohibit the sale of such species, particularly whales and sharks. In that connection, the delegation of Egypt welcomes the efforts of the Food and Agriculture Organization of the United Nations and the General Assembly to urge States to implement the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) as effectively as possible, particularly by adopting the measures necessary to put an end to shark fishing.

In the process of implementing the relevant international action plans, Egypt has banned shark fishing since 2002. That has required enhancement of the role of the Convention, which sets out a legal framework for all activities in the oceans and seas. The twenty-fifth anniversary of the opening of the Convention for signature is an appropriate opportunity to assess the implementation of its provisions as well as the benefits enjoyed by developing countries since its adoption.

The Convention was structured to have a broad scope so that it would not be confined to the delimitation of maritime boundaries or the holding of educational seminars related to the law of the sea, but rather would provide a meaningful international framework. It seeks to assist States in carrying out their obligations related to preventing and protecting against marine pollution. In particular, it seeks to enhance the capacity of developing countries to exploit natural resources in areas falling under their national jurisdiction and in the Area, through the Seabed Authority, for the benefit of all of humanity, as the Area's resources are the common heritage of mankind.

Past practical experience has shown that the Convention has failed to meet the expectations of developing countries in those areas. Natural resources have been exploited and research has been carried out in developed countries without exchanging information with developing countries, particularly with regard to the resources used in the manufacture of medicine and other products important to economic development. Therefore, we must establish an integrated and effective system for information exchange and technology transfer aimed at enhancing developing countries' capacity to establish ocean observation programmes, applying the standards relating to ocean acidification to the context of climate change and sharing modern fisheries technology in order to implement ecosystem and ecological measures to preserve biological diversity and avert the destruction of coral reefs and habitats.

From that perspective, the Egyptian delegation affirms the importance of the role of the United Nations and its specialized agencies in continuing to strengthen cooperation between regional and subregional organizations to carry out the necessary scientific research and provide developing countries with the technical assistance needed for the fulfilment of their international obligations. They need such assistance not only to draw navigational charts and fulfil their obligations to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and to reduce conflicts between coastal and industrial fisheries, which may lead to the depletion of fish stocks. Developing countries also need assistance to ensure the safety of maritime navigation as part of the efforts of the International Maritime Organization to enhance the capacity of flag and port States to combat piracy and armed robbery against ships and protect ships from terrorist attacks in areas within or beyond their national jurisdiction and on the high seas. Furthermore, it is essential to develop a culture of compliance with international obligations concerning the "genuine link", which involves the duty of States to exercise effective control over fishing vessels flying their flag.

These matters relate mostly to the current work of the Commission on the Limits of the Continental Shelf, which has become a source of great concern for developing countries. The developed countries have concluded the scientific studies required to submit their applications to the Committee, which has already decided to allocate massive areas of the high seas for the use of those States. However, owing to the lack of international cooperation in providing developing countries with the necessary technical assistance, those States have not been able to carry out studies on the potential of their own continental shelves. Consequently, they have not been able to apply to the Commission. That will lead to the non-application of the equity principle and to imbalance in the rights of States, in contravention of the Convention. Therefore, all States should cooperate to ensure that developing States are able to enjoy their rights on equal footing with developed countries in that regard.

At the same time, while the delegation of Egypt stresses the need for continuing discussions among States to enhance international cooperation on matters relating to seas and oceans in order to fully implement the Convention, especially those parts ensuring the interests of developing countries, we would like to express our concern regarding the failure of States to reach agreement during the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in June 2007 and the informal consultations on the Assembly draft resolution on oceans and the law of the sea on two important issues.

First, this session's law of the sea draft resolution did not mention the protection of immigrants travelling by sea, especially those using unsafe boats that are not fit to withstand the dangers of travelling by sea. That eventually leads to the deaths of many of the people who risk their lives by using such boats. Therefore, the delegation of Egypt welcomes the adoption by the African Union of the migration policy framework for Africa, which seeks to promote further regional measures to manage legal migration and to control the dangers that such immigrants encounter during their

trips at sea. From this perspective, the delegation of Egypt calls upon Member States, especially those in the Mediterranean region, to enhance cooperation to protect immigrants and adopt all necessary measures to rescue them at sea, and hopes that this problem will be addressed in the relevant draft resolution at the coming session.

The other issue of concern is the non-recognition by some States that the United Nations Convention on the Law of the Sea of 1982 represents the legal framework governing live marine genetic resources in areas of the high seas beyond the national jurisdiction of coastal States. The methodology for preparing for the Consultative Process must therefore be revised. The process should be conducted in a better manner, taking into consideration the interests of all States worldwide, especially those of developing States. As previously highlighted by the Group of 77 and China during the Consultative Process, further consideration should be given to the legal aspects of the related topics, while not focusing exclusively on the scientific aspects. Consideration should also be given to a better representation of developing countries among the panellists at the sessions.

Before I end my statement, I would like to express the appreciation of the delegation of Egypt for the role played by the International Court of Justice and the International Tribunal for the Law of the Sea in promoting the peaceful settlement of disputes relating to seas and oceans. In that regard, we stress the need to conclude the negotiations to implement the principle of equitable geographic representation in the composition of the judiciary of Tribunal before the upcoming elections, in accordance with the Convention and the principles of justice and democracy.

Finally, the delegation of Egypt affirms that States parties to the 1995 Fish Stocks Agreement should review its provisions regarding the reservations submitted by non-parties, especially developing countries, including those provisions relating to boarding and searching fishing vessels, so as to enable developing countries to become parties and to enhance cooperation aimed at protecting sustainable fisheries and to work for their development.

Mr. Mansour (Tunisia) (*spoke in French*): It is with great interest that I participate in the debate of the General Assembly on oceans and the law of the sea, two subjects that deal with very important, if not vital, issues for present as well as future generations.

At the outset, I would like to thank the Secretary-General and congratulate the staff of the Division for Ocean Affairs and the Law of the Sea for their complete and very instructive reports on oceans and the law of the sea and the viability of fishing, which give us a complete picture of recent developments in the situation regarding those subjects. I also wish to pay tribute to the coordinators of the two draft resolutions for their efforts in carrying out consultations on the subject.

The consideration of this item on the agenda coincides this year with the twenty-fifth anniversary of the opening for signing of the United Nations Convention on the Law of the Sea. The conclusion of the Convention was a significant and certainly historic achievement. At the time of its adoption, it gave rise to great hope, especially among the developing countries — hope that law and order would rule the seas and oceans and that maritime resources would benefit all humankind.

Concrete and significant progress has been achieved in that direction, but we must note that the results achieved in certain areas still do not meet our expectations and many problems remain unresolved. Illegal fishing and other illegal activities continue to take place in many parts of the sea. Several States are not exercising full control over the ships and tankers flying their flag, and problems of demarcation are far from being fully resolved. Developing countries, which formerly hoped to benefit from technology transfers for the exploitation of their marine resources, do not seem to have benefited from the new regime.

Having said that and in spite of all of its shortcomings, the Convention, as the true constitution of the sea, remains and should remain the judicial framework under which all activities concerning the seas and the oceans are carried out. Tunisia remains strongly committed to the Convention and its full implementation.

We welcome the holding in 2008 of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea on maritime safety and security. While emphasizing my country's interest in this matter, we feel that it would be better to avoid any overlap in the work of international bodies and to focus our debate on those problems that have not yet received enough attention.

My delegation regrets that it has not been possible, in this year's draft resolution on the law of the sea, to deal with the question of safety at sea in the context of illegal migration by sea. It is a phenomenon that is taking on alarming dimensions in several areas of the world, especially in the Mediterranean, and that entails serious problems, including in the area of maritime safety. Indeed, as mentioned in several reports of the Secretary-General, an increasing number of individuals are undertaking dangerous voyages in order to clandestinely cross international borders. Deaths, disappearances at sea and shipwrecks — often on a daily basis — are constantly being noted in various areas of the world. Those dangers are due to the fact that these persons take to the sea on makeshift vessels that lack any safety measures or are completely unfit for sailing. In addition, certain ships fail to come to their aid at sea, or when they do, they are then refused the right to disembark at the closest port. News items on such incidents are increasingly frequent in the international press and in the bulletins of the Office of the United Nations High Commissioner for Refugees.

Indeed, although it is set out in international law, the obligation to assist people in distress at sea is not always respected. When it is, those sailors often run into difficulties, even unfounded accusations once the individuals assisted disembark at the nearest port. Thus, the delegation of Tunisia feels that the coming meeting of the Consultative Process could help coastal States to better coordinate and cooperate in these areas.

The degradation of the ocean environment and marine resources is an ongoing source of concern for Tunisia as a coastal State of a semi-enclosed and increasingly fragile sea. The activities connected to the sea represent an important source of revenue for a large number of households in my country. This is why the fishing sector continues to be the subject of special attention, which has allowed us to work out a development strategy based on the rational management of marine resources, the consolidation of work in applied science research and the promotion of fish farming.

It is worrying to note that, in spite of the efforts carried out on behalf of viable fishing, illegal fishing — undeclared and unregulated — continues to thrive with impunity in many regions of the world, which has given rise to a serious threat to fish stocks and to marine habitats, which, in turn, is undermining the economies of several States, especially those of developing countries. The fight against these practices has been made difficult owing to the lack of inspection and sanctions on the part of flag States, by the mediocrity of the monitoring, control and surveillance systems and the perverse effects of fishing subsidies, to name just a few.

These facts remind us of the urgent need to take measures at all levels in order to guarantee the viable management and use of marine resources. These measures should take into account a broad application of cautionary principles and of good marine governance.

We also need to insist on the need to strengthen the capacities of developing countries, including the transfer of maritime technologies, especially in the fishing sector, so that they are in a better position to meet their obligations, to exercise their rights under international instruments and to benefit from their marine resources.

The exercise of effective control by States over ships flying their flags has become increasingly imperative. In this context, Tunisia supports the recommendations of the Committee on Fisheries, aiming to define the criteria for evaluating flag States and possible measures to be taken against ships flying a flag of States that do not meet these criteria.

On top of the numerous problems and challenges facing the marine habitats and marine resources, we also have the impact of climate change. These problems have not been easy to deal with in the consultations on a draft resolution on the law of the sea owing to the differing opinions that persist among delegations. Tunisia fully subscribes to the idea of entrusting the United Nations Food and Agriculture Organization to the task of closely studying the impact of climate change on fishing and marine resources so as to pinpoint the necessary methods of adaptation.

Ms. Nuñez Mordoche (Cuba) (*spoke in Spanish*): We note with great satisfaction that the United Nations Convention on the Law of the Sea maintains its validity and relevance, reaffirming its universal character and paramount importance in maintaining and strengthening international peace and security and sustainable development of oceans and seas.

My delegation places special emphasis on the need to strengthen international cooperation among all actors who have an effect on the management of seas

and oceans, including the exchange of knowledge and capacity-building. These are vital aspects for developing countries.

Given my country's geography, matters related to oceans and seas are of special interest. Despite serious economic hardships, Cuba has made and continues to make huge efforts in the implementation of national strategies for sustainable development and protection of the marine environment in order to achieve a coherent and effective implementation of the Convention's provisions.

The United Nations Convention on the Law of the Sea establishes an adequate and universally accepted legal framework within which all activities on oceans and seas should be carried out. Therefore, we would like to draw attention to the policies and initiatives that undermine the Convention's regime, such as the current management of the new sustainable uses of oceans, including conservation and management of biological diversity of the sea beds beyond the limits of national jurisdiction. In this regard, the States should abide by the principles established by the Convention, which provide that marine scientific research in the Area should be carried out exclusively for peaceful purposes and to the benefit of humanity as a whole.

With regard to the 1995 Fish Stocks Agreement on the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, Cuba is not a party to the Agreement but complies in good faith with the major provisions of conservation and legislation established in the Agreement. The main reason preventing Cuba from becoming a party to the Agreement is our concern over the mechanism of visits and inspections on board fishing vessels, established under Articles 21 and 22 of that instrument.

We would not like to conclude without first appreciating the work carried out by the coordinators of the draft resolutions that will be adopted on this issue. Likewise, owing to the increasing importance of the issue of oceans and the law of the sea, we would like to request that the informal meetings for the negotiation of such draft resolutions enjoy complete conference and translation services and that care is taken to avoid that those meetings coincide with meetings of the Sixth Committee, which undoubtedly affects the participation of delegations in these negotiations.

Mr. Mwaala (Namibia): Namibia is pleased to sponsor draft resolution A/62/L.24 entitled "Sustainable fisheries, including through the 1995 Agreement for Implementation of the Provisions of the Convention of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments" and draft resolution A/62/L.27 entitled "Oceans and the law of the sea".

These two draft resolutions deal with issues that are important to Namibia. We are pleased that the draft resolution on fisheries once again reaffirms the importance of conservation, management and sustainable use of marine living resources. We are equally pleased that this draft resolution stresses the need to strengthen intergovernmental cooperation, including at the international and regional levels, in order to improve the conservation and management of fisheries resources, to combat illegal, unreported and unregulated fishing and to address fishing overcapacity.

Namibia will continue to work constructively with all States and regional and international bodies engaged in regulating fisheries to give effect to the provisions of this resolution. Indeed, Namibia has already put in place legal instruments and policies, including its Marine Resources Act 27 of 2000, Marine Resources Policy and National Plan of Action, which provide a framework for responsible development and management of its marine resources. We have also signed a number of international fisheries conventions and agreements, including the 1982 United Nations Convention on the Law of the Sea, the 1995 United Nations Fish Stocks Agreement and the 1993 Compliance Agreement of the Food and Agriculture Organization of the United Nations (FAO).

In addition, Namibia is well advanced in implementing a national satellite-based vessel monitoring system to ensure real-time monitoring of vessel movements and fisheries activities in our economic zone and continental shelf. The system is intended also to enable Namibia to comply with requirements by regional and international fisheries management organizations to which Namibia is a party.

Furthermore, consideration is being given to a legal requirement that will prohibit Namibian nationals from engaging in fishing activities that violate the fisheries laws of another State or that undermine the effectiveness of conservation and management measures adopted by regional fisheries management organizations. Legislation will also be considered to make it unlawful for any person subject to Namibia's jurisdiction to import, export, transport, receive, acquire, possess or purchase any fish taken, possessed or sold in violation of foreign laws, treaties or regulations. Once developed, such legislation would be used to prosecute Namibian nationals who engage in illegal, unreported and unregulated fishing.

Turning to draft resolution A/62/L.27, on oceans and the law of the sea, it is fitting for the General Assembly to adopt this text. Namibia supports the international community's efforts to implement fully the provisions of the Convention and related agreements. Such efforts will help achieve the goals of establishing a legal order which will promote peaceful use of the oceans, equitable and efficient utilization of their resources, conservation of their living resources and the protection and preservation of the marine environment.

Indeed, the marine environment is facing challenges that, if not addressed immediately and effectively, will have profound implications for sustainable fisheries development, conservation and management, and marine biological diversity. Namibia will therefore continue to support international efforts aimed at protecting and conserving the marine environment. Mechanisms for such cooperation already exist, including the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, the United Nations Convention on the Law of the Sea and the FAO action plans for fisheries.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation attaches great importance to the General Assembly's discussion of the item on oceans and the law of the sea. Over the past year, we have witnessed the achievements, challenges and developments in the field of the oceans and the law of the sea. The Chinese delegation wishes to share with the Assembly its views and visions on issues relating to this subject.

Mankind depends on the oceans for survival and development, and we should take good care of our common home. With the rapid development of science and technology, peoples' knowledge about the oceans and capacity for their utilization and protection are constantly increasing. In the face of the challenges of our times, it is imperative for all countries to work together to maintain a harmonious marine order. Doing so presupposes a harmonious relationship between mankind and oceans in order for the oceans to always benefit mankind, and for mankind to engage in sustained conservation with regard to oceans.

Maintaining a harmonious marine order also calls for respect for the sovereignty, sovereign rights and jurisdiction of all coastal States, as well as respect for the rights and freedom of all States, coastal States and landlocked States alike in the peaceful utilization of oceans. It calls for special attention and assistance to the less developed coastal States, landlocked States and geographically disadvantaged States in order for them to better enjoy the benefits of the oceans and better respond to the challenges and disasters from the oceans. In dealing with marine disputes, countries should resort to peaceful means and cooperation with a view to maintaining marine peace and tranquillity.

In maintaining a harmonious marine order, a rational differentiation should be made between rights and interests in areas of national jurisdiction and those in areas beyond national jurisdiction so that coastal States can, on the one hand, fully exercise their sovereign rights and jurisdiction over the continental shelf naturally extending from their territories, and on the other, avoid encroachment on international seabed areas, which are the common heritage of mankind, as a result of the extension of their continental shelf beyond 200 nautical miles.

In maintaining a harmonious marine order, a balance should be achieved between the sound protection and rational utilization of the oceans without stressing one at the expense of the other. The international community should strengthen cooperation and integrated coordination, and push for progress of the relevant research so as to provide solid advice for decision-making.

The 1982 United Nations Convention on the Law of the Sea should remain the legal basis and framework for our efforts to maintain a harmonious marine order. With 155 States parties, and the list still growing, the Convention has fully demonstrated its universality and vitality. As a product of extensive negotiations by the

international community, the Convention has accommodated various interests in a balanced manner. It remains the important basis for us to resolve new issues and address new challenges in marine affairs.

The adoption of relevant resolutions by the General Assembly at the current session is of important significance to the maintenance of a harmonious marine order. After full consultations, two draft resolutions (A/62/L.24 and A/62/L.27) have been submitted for adoption, thanks to the cooperative and constructive efforts of many delegations. Here, we would like to thank Ambassador Henrique Rodrigues Valle, Jr., of Brazil, and Ms. Holly Koehler of the United States, for all the work they have put into these drafts as coordinators. Our thanks also go to the staff of the Division for Ocean Affairs and the Law of the Sea for the valuable support they have provided.

At present, the Commission on the Limits of Continental Shelf is faced with considerable difficulties and daunting challenges, with the emergence of many problems which were not foreseen when the Convention was formulated. It is foreseeable that the Commission will need a considerably long period of time to complete its review of all the submissions by countries.

Like other developing counties, China is currently engaged in research activities on the delimitation of the outer limits of the continental shelf beyond 200 nautical miles. My delegation believes that the delimitation of the outer limits of the continental shelf beyond 200 nautical miles is the right of a coastal State under international law; it is also related to the integrated interests of the international seabed areas.

In addressing this issue, it is imperative to ensure that the Commission takes a serious, scientific and precise approach to its work and fully and faithfully fulfils its mandate in accordance with the Convention. The Commission should not be asked to simply speed up its work regardless of other factors, especially at the expense of the approach I have just referred to that it should adopt in its work.

Experience shows that the inherent complexity and difficulty of the work of delimitation were hard to imagine at the time when the Convention was drafted. Therefore it is unrealistic to request States parties to file their submissions within the time limit defined by the Convention and the resolution of the meeting of the States parties. Developing countries face even greater difficulties in this regard. At the same time, given the fact that the Commission will need a long time for its review work, it is obvious that the artificially set deadline of May 2009 is no longer meaningful.

We suggest that at next year's meeting of States parties to the Convention various ways and means be explored — including postponing the deadline for submissions — to ensure that the Commission will carry out its work on the delimitation of the outer limits of continental shelf beyond 200 nautical miles in an orderly fashion and that its scientific work will stand the test of time.

In recent years, the International Seabed Authority has focused its work on the formulation of regulations on the prospecting and exploration for cobalt-rich nodules and polymetallic sulphides. The regulations on seabed prospecting and exploration should give expression to the principle of common heritage of mankind, while taking into account such questions as investment interests of all countries, especially potential contractors. Prospecting and exploration are highly specialized and technically demanding work with huge investment risks.

In addition, the international community should pay particular attention to environmental protection and the conservation of fragile ecosystems. Therefore, the formulation of the regulations is both a process for increasing mankind's knowledge about these two resources and a means to reconcile the interests of countries. The work on the regulations will come to a natural fruition when we have sufficient knowledge of the properties of these resources and when the relationships of differing concerns among countries are properly worked out.

At present, compared with polymetallic sulphides — about which mankind has very limited knowledge — people know relatively more about cobalt-rich nodules. That explains why the formulation of regulations on cobalt-rich nodules has encountered fewer difficulties, which gives us hope for early progress. We expect further efforts by the International Seabed Authority in this respect.

As an important part of the mechanism established by the Convention for dispute settlement, the International Tribunal for the Law of the Sea plays an important role in the peaceful settlement of marine disputes and the maintenance of international marine order and stability. The Tribunal's success in dealing

with two cases of rapid release of vessels and crews this year speaks to the important status it enjoys and the contribution it has made to international marine affairs.

China has all along supported the Tribunal's work. We regret that in August this year Judge Xu Guangjian from China resigned from his post in the Tribunal due to poor health. The Chinese Government has nominated Mr. Zhiguo Gao as a candidate for the election to fill the vacancy to be held on 30 January 2008 at the meeting of States parties to the Convention. Mr. Gao fully meets the qualifications for candidates set out in article 2 of the Statute of the Tribunal. I believe that, if elected, he will contribute significantly to the Tribunal's work. We look forward to the valuable support of all States parties.

The theme of this year's Informal Consultative Process was "Marine genetic resources". The discussions proved to be very useful. In the research and utilization of marine genetic resources, there are still a lot of complex legal and political issues. Work in this area also involves broader and more important areas such as the protection and utilization of biodiversity. All those issues merit serious study by the international community. My delegation hopes that the General Assembly's ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction will achieve positive results at its second session.

A major goal that the Convention seeks to achieve is to facilitate navigation at sea. The regimes established by the Convention for governing the transit and passage through straits used for international navigation and the passage through sea lanes of archipelagos are important for ensuring the freedom of navigation at sea and should be complied with by all States. We hope that these regimes in the Convention will be preserved. Laws and regulations enacted by any coastal State should be in line with the Convention, and the relevant rules of international law and should not undermine the principle of freedom of navigation.

The Chinese Government has always attached great importance to and has actively addressed the question of pollution from vessels, including greenhouse gas emission from vessels. We believe that in addressing this problem, the key lies in upholding the principle of "common but differentiated responsibilities" set out in the United Nations Framework Convention on Climate Change and faithfully implementing the relevant provisions of the Kyoto Protocol.

Such a principle should be brought out both in the relevant discussions in International Maritime Organization (IMO) and in the amendments of relevant treaties. China notes and supports the positive role played by the IMO in that respect. We are willing to enhance exchanges with other countries in dealing with pollution from vessels as part of our efforts to further promote pragmatic cooperation in aspects of finance, transfer of technologies and capacity-building.

China's population accounts for one fifth of the world's total. The Chinese people have realized that if the oceans are expected to bring benefit to mankind for present and future generations, we must work ceaselessly to conserve the oceans. The Chinese Government attaches great importance to marine affairs. It is committed to the sound protection and rational use of the oceans and to the proper settlement of the question of maritime delineation with neighbouring countries and other maritime disputes through peaceful negotiations. We are willing to take part in international cooperation and work with other countries of the world in a joint effort to care for the oceans — our common home.

The two draft resolutions to be adopted by the Assembly represent the international community's response to the various problems and challenges in the field of marine affairs. Together with all other countries, China will make its contribution to the maintenance of a harmonious marine order.

Mr. Noghès (Monaco) (*spoke in French*): We can measure how far we have come since the opening for signature of the Convention on the Law of the Sea, 25 years ago to the day. The Convention's universality and unitary nature, and the United Nations Fish Stocks Agreement have enabled States to develop their activities in the area of oceans and seas. These activities continue to grow and to become increasingly complex as the oceans and the seas reveal their wealth.

The institutions created by the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — contribute to the development of the law of the sea, and we wish to pay special tribute to the decisive work done by each of those organizations.

The four reports of the Secretary-General before the General Assembly bear witness to the breadth and the technical nature of questions related to the oceans. The twenty-fifth anniversary of the opening for signature of the Convention leads me to make a few comments on the oceans and the seas as a source of balance and wealth for the planet.

The Intergovernmental Panel on Climate Change is definite on the influence of the greenhouse gas concentration on climate change. The General Assembly could not fail to express its serious concern regarding the harmful effects of climate change due to human activities and natural activities on the marine environment and marine biological diversity.

In this respect, allow me to stress the growing importance of the implementation, through an integrated approach, of part XII of the Convention, on the protection and preservation of the marine environment. As stressed by the report of the Secretary-General in its introduction to the section on climate change "[t]he oceans are a fundamental component of the climate system, both directly impacting the climate and influenced by changes in the climate" (*A/62/66, para. 326*). As the United Nations Climate Change Conference takes place in Bali, the impact of this change will represent from now on a major political issue.

As a coastal State of one of the most fragile seas of the globe, Monaco, since the reign of Prince Albert I at the beginning of the twentieth century, has paid the most serious attention to the evolution of the oceans and seas. Following in the footsteps of his great-grandfather, Prince Albert II himself conducted an expedition to the North Pole in April 2006. This polar expedition enabled him to see what climate change has done to the Arctic Ocean and to encourage scientific research into the impact of pollution on the area.

In 2007 and 2008, at the initiative of the Russian Federation, we are celebrating a new International Polar Year, and thank those delegations willing to support the inclusion of two new paragraphs in the preamble of the omnibus draft resolution presented by Canada and Monaco (A/62/L.27). The increased vulnerability of the poles to climate change is unfortunately an established fact. It is especially obvious in the Arctic Ocean, where the melting of the ice cap is accelerating global warming.

The Salekhard Declaration, adopted last year on the occasion of the tenth anniversary of the Arctic Council, the fifth Arctic Council Ministerial Meeting and priorities of the Norwegian chairmanship of the Council all reflect the special attention given to sustainable development in that part of the globe. The regime set by the United Nations Convention on the Law of the Sea applies to the Arctic Ocean. It is essential then that any measure aimed at ensuring its preservation be part of this framework.

The authorities of Monaco attach great importance to cooperation and coordination in the service of conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. The Pelagos Sanctuary for Mediterranean Marine Mammals, originally established by a tripartite agreement between France, Italy and Monaco, is now one of the Mediterranean specially protected areas and it is thus binding on all parties to the Barcelona Convention.

Monaco is the depositary of the Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area. The third meeting of the contracting parties, which took place in Dubrovnik, Croatia, on 25 October 2007, considered inter alia the reduction of the incidental catch of cetaceans in drift gill nets, the diminution of the impact of fishing, the preservation of the habitat and the creation of new marine protected areas.

The report of the Intergovernmental Panel on Climate Change calls for greater study of the issue of the acidification of oceans because of the high risks it poses for certain species. In this connection, I would like to point out that the second Symposium on the Ocean in a High-CO_2 World will take place at the Oceanographic Museum of Monaco from 6 to 8 October 2008. The data on the acidification of oceans and the consideration of future research priorities will be on the agenda of this interdisciplinary forum.

I would like to stress the importance to my delegation of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Its eighth meeting was devoted to marine genetic resources and showed once again the indispensable nature of these informal meetings. We welcome the fact that consideration of these matters will continue in 2008 in the Ad Hoc Open-ended Working Group to study issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.

I cannot conclude my statement without paying tribute to the professionalism of the officials of the Division for Ocean Affairs and the Law of the Sea and thanking them anew for their dedication.

The purpose of this brief overview was to reaffirm the priority that Monaco gives to questions of the oceans and the seas. That is why we attach importance to the pursuit of multilateral cooperation on all these matters.

Mr. Sen (India): I take this opportunity to thank the Secretary-General for his comprehensive reports on the issues relating to ocean affairs and the law of the sea.

India attaches high importance to the effective functioning of the institutions established under the United Nations Convention on the Law of the Sea. With a coastline extending 4,000 miles and with 1,300 islands, we have a traditional and abiding interest in maritime and ocean affairs. Therefore, we follow closely the work of all subsidiary institutions under the Convention, namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

We congratulate the Chairman of the Commission on the Limits of the Continental Shelf on the efforts by the Commission under his leadership in undertaking the consideration of the submissions. We also thank him, as well as the Secretariat, for providing detailed information on various issues and constraints arising from the increasing workload of the Commission and the anticipated increase in the number of submissions in the coming years.

In this crucial phase of the Commission's work, it is necessary to ensure that the decisions that are taken do not compromise the task with which the Commission has been entrusted under the Convention. Accordingly, we fully support the request made by the States parties to the Convention for the Secretary-General to take timely measures, before the twenty-first session of the Commission, to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea, which serves as the secretariat of the Commission, and to ensure enhanced support and assistance to the Commission in its consideration of submissions. We also support the Commission's request for increased working time for the Commission to meet in plenary so as to enable it to examine the work done in the subcommissions.

As regards elections to the Commission and the International Tribunal for the Law of the Sea, we hope that the next meeting of the States parties will be able to agree on the joint proposal of the Asian and African Groups on allocation of seats in those bodies, in accordance with the principle of equitable geographical representation.

The International Seabed Authority is currently involved in the development of a legal regime for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the Area, and in ensuring environmentally sustainable development of seabed mineral resources.

The Council of the Authority has finished the first reading of the regulations on polymetallic sulphides. However, several issues relating to the protection of the environment, including the time frame during which temporary measures could be taken by the Authority to prevent, contain and minimize the threat of serious damage to the marine environment, are still under consideration.

India is totally committed to the protection and preservation of the marine environment, but we would caution against attempts to impose an unduly burdensome regime as it would act as a disincentive to any further prospecting or exploration in the Area and would thereby defeat the very purpose of setting up the Authority. We also hope that issues regarding the configuration of blocks and geographical proximity of blocks in the allocated areas for exploration can be successfully resolved at the next session of the Authority.

We continue to follow with interest the reports of groups of scientists collaborating on the Kaplan Project, which could be of help in managing nodule mining and the design of marine protected areas in the Clarion-Clipperton Zone. We welcome the setting up of an Endowment Fund by the International Seabed Authority to promote and encourage the conduct of marine scientific research in the International Seabed Area. The Fund will support the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes.

The eighth meeting of the United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea this year discussed the issue of marine genetic resources. The symbiotic relationship between the biodiversity of the deep seabed and its ecosystem makes the entire resources of the seabed, living and non-living, a common heritage of mankind. Therefore it is necessary to identify the risks to this common heritage and agree on a substantive legal basis for the conservation and management of biodiversity and the use of biological and biogenetic resources of the deep seabed and its subsoil. In this regard, we fully align ourselves with the Group of 77 position that all resources of the Area, including the marine genetic resources in areas beyond national jurisdiction, are a part of the common heritage of mankind regulated by the legal regime of part XI of the Convention and that bioprospecting is essentially a marine scientific research activity that is regulated by part XIII of the Convention.

In the area of maritime navigation, we view with serious concern the acts of terrorism, piracy and armed robbery against ships and are pleased to note the significant decrease in the number of attacks by pirates and armed robbers in the Asian region, effected through increased national action and regional cooperation.

We would also like to emphasize again the importance of the principle of freedom of navigation, including the right of innocent passage as well as transit passage through straits used for international navigation. The States bordering straits may adopt laws or regulations relating to transit passage through the straits, but such laws should be enforced in a manner that is nondiscriminatory and fully consistent with article 42 of the United Nations Convention on the Law of the Sea.

Overfishing, destructive fishing practices and illegal, unreported and unregulated (IUU) fishing continue to be great threats to the conservation, management and sustainable use of biodiversity on the high seas. To combat IUU fishing it is essential to give priority to compliance and enforcement measures, including effective port State measures, listing of vessels and developing and implementing integrated monitoring, control and surveillance packages. It is important to sustainably manage fish stocks and protect vulnerable marine ecosystems and thus to find a balance between sustainable use and conservation.

Mr. Løvald (Norway): Today in Oslo, the Nobel Peace Prize was presented to the Intergovernmental Panel on Climate Change (IPCC) and to Al Gore. They are being awarded the prize for their efforts to build up and disseminate greater knowledge about man-made climate change and to lay the foundations for the measures that are needed to counteract or mitigate such change.

The IPCC's fourth assessment report points to a number of disturbing trends. According to the best available scientific knowledge, it has now been established that it is very likely that greenhouse gases are the major driver of increasing temperatures. Ocean temperatures are rising to a depth of 300 metres. Some of the consequences will be a rise in sea level, a decline in the extent of sea ice in the polar regions and major changes to ecosystems. The rise in sea level will have severe impacts on coastal communities. Changes in oceanographic conditions may affect the productivity of ecosystems. The migratory distribution patterns of species may change.

The consequences of climate change and of ocean acidification can be dramatic for the marine environment and ecosystems. Climate change may prove to be the biggest challenge to fisheries all over the world in the next few decades. Doing nothing is not an option. We need further studies, as our understanding of this is currently very limited, and we need to consider how we should adapt ocean management to climate change.

Let me draw attention to a part of the world where we are already seeing clear evidence of the effects of climate change, namely the Arctic. According to scientific data, there has been a significant, persistent downward trend in the extent of summer sea ice over the past 50 years. In September this year, the area of sea ice was only just over half of what it was in the 1950s and 1960s.

The Arctic Ocean is about to undergo dramatic change. Melting ice is having significant impacts on vulnerable ecosystems, the livelihoods of local inhabitants and opportunities of exploiting natural resources. The rapid melting of sea ice is having dramatic consequences for animals such as polar bears, walruses and seals. The changing ice conditions are also having an impact on navigation, extending the navigation period and probably opening new shipping routes.

At the invitation of the Norwegian Government, representatives of the five coastal States of the Arctic Ocean — Canada, Denmark, Norway, Russia and the United States — met at senior-official level on 15 and 16 October 2007 for informal discussions. They recalled the applicability of an extensive international legal framework to the Arctic Ocean, including notably the law of the sea. They discussed, in particular, application and national implementation of the law of the sea in relation to protection of the marine environment, freedom of navigation, marine scientific research and the establishment of the outer limits of their respective continental shelves.

Commercial fisheries may extend into more northerly areas of the Arctic in the future. The States concerned should begin now to consider how to implement effectively the principles and rules set out in the 1995 Fish Stocks Agreement implementing the United Nations Convention on the Law of the Sea, including any future need for appropriate mechanisms.

Nature provides the basis of our existence. A natural environment with rich biological diversity adapts more easily to change. In Johannesburg in 2002, world leaders committed themselves to significantly reducing the loss of biological diversity by 2010. However, too little has been done in the way of practical and effective measures to implement the existing legal framework and protect marine biodiversity. For example, many coastal States have not yet established a representative network of effectively managed marine protected areas within their own national jurisdiction. Norway aims to have such a network in place well before 2010. We need better mapping of the seabed and must improve knowledge of the vulnerability of different habitats to existing environmental pressures and to those that are likely to arise in the future. Norway believes that there is an urgent need to implement the ecosystem approach and apply the precautionary principle to the management of human activities so as to ensure the conservation and sustainable use of living marine resources.

Illegal, unreported and unregulated fisheries and destructive fishing practices are amongst the most immediate and serious threats to marine biodiversity. That includes bottom trawling on vulnerable habitats such as coral reefs. Those practices occur in areas within and beyond national jurisdiction. There is an urgent need to address such abuses of oceans effectively. Norway has taken steps to implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and we urge States that have not yet done so to take all appropriate steps in that context. We look forward to the completion of the technical guidelines, including the standards for the management of deep-sea fisheries in the high seas that are being developed by the Food and Agriculture Organization of the United Nations (FAO).

The establishment of the outer limits of the continental shelf beyond 200 nautical miles is a crucial element in our implementation of the global law of the sea regime. The Commission on the Limits of the Continental Shelf is playing an essential role in that work. The delineation process may help to clarify the legal framework for future offshore shelf activities and has significant development implications. For many States, the deadline for submitting documentation to the Commission is May 2009. We are concerned that not all States have made sufficient preparations to meet that deadline. Doubts concerning unresolved bilateral delimitation questions and financial and practical challenges related to data collection and analysis should not constitute undue obstacles for initiating preparations.

We realize that developing countries face particular challenges in preparing submissions, but if they make use of internationally available data, available expertise and existing funding mechanisms, they should be able to meet the deadlines. In order to enable the least developed countries in particular to make submissions, we need to find practical solutions. Norway has therefore prepared a draft informal discussion paper that we are providing as food for thought for this important discussion. I have attached a copy of that paper to the text of my statement, which is being distributed. We are looking forward to continuing our dialogue on the issue with other States.

Norway was instrumental in the establishment of the United Nations trust fund for the purpose of facilitating the preparation of submissions to the Commission. The trust fund has not been widely used, so we welcome the adoption of new procedures to simplify access to it. We commend the Division for Ocean Affairs and the Law of the Sea for its efforts in that regard and recognize its very important role in helping countries to seek assistance in preparing submissions. We also recognize that additional

resources will be needed to enable the Division to provide adequate support for the work of the Commission. Consequently, we request the Secretary-General to ensure that the Division is given sufficient resources in that respect.

Mr. Skinner-Klée (Guatemala) (*spoke in Spanish*): This year, the consideration of the item on oceans and the law of the sea by the General Assembly coincides with the 25th anniversary of the approval and opening for signature of the United Nations Convention on the Law of the Sea. For the past 25 years, the Convention has been shown to be not only the ideal basis for adopting measures and promoting cooperation at the regional and global levels on the marine environment, but a legal framework with sufficient flexibility to ensure implementation over the long-term and the capacity to meet new challenges.

Aside from having been ratified by more than 80 per cent of the Member States, the Convention has widespread support in the international community as the universal legal framework within which all activities and discussions relating to oceans and seas should take place. For that reason, Guatemala supports the idea of including, within the framework of the Convention, deep seabed genetic resources as the common heritage of humankind for the purposes of exploitation and conservation. In that regard, the recognition of the differences of opinion regarding the legal framework for genetic marine resources in the draft omnibus resolution is a significant step.

Guatemala continues to support the conservation and management of biodiversity in the international marine seabed. We hope to make progress in that area, and my delegation will, of course, contribute its efforts to that end. In particular, we will contribute to the work of the ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, which will be meeting next year.

My delegation welcomes the recognition, in the draft resolution on oceans and the law of the sea, of the link between the matters just mentioned and sustainable development. In that regard, the language on climate change should be noted, since it contains an important political message to delegations, who are currently meeting in Bali and deliberating on this subject. We believe that the progress made in that context is fundamental to the achievement of the Millennium Development Goals.

With regard to the issue of fisheries management, we believe that, despite the fact that the United Nations has urged States to accede to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the majority of Latin American countries have, after careful analysis, determined that the Agreement omits certain fundamental precepts included in the Convention. On the other hand, it maintains elements that prevent a greater number of countries from participating, such as the lack of resources for implementation and elements contained in articles 7, 21, 22 and 23 of the Agreement.

We would therefore like to emphasize that it is important to promote a genuine dialogue between States party and not party to the Agreement in order to overcome the obstacles identified. We hope that those discussions will take place soon, since the reasonable exploitation of living resources is the responsibility of all of humankind. The official consultations between the States parties to the Agreement which will take place next year, will be an excellent opportunity to promote that dialogue.

Through the General Assembly and through the present draft resolution, we hope that we will be able to create an intergovernmental forum to ensure the long-term conservation and sustainable development of marine species through the adoption of measures and the good functioning of regional and subregional organizations involved in the management of fisheries on the high seas.

Illegal, destructive and predatory fishing practices require further attention and should be effectively banned to ensure an ecosystemic approach to the issue. In such an approach, fishing should be orderly, planned and developed so that its benefits are not simply short-term but continue on for future generations. We cannot disregard the fact that the experts have calculated that by the year 2050, fish stocks will be exhausted. That means that resources must be urgently deployed to put an end to those destructive practices and to protect the most vulnerable ecosystems. If not, future generations will have to deal with the disappearance of living marine resources and,

subsequently, possible conflicts caused by the lack of means to ensure food security.

In addition, my delegation would like to pay tribute to the work of the Division for Ocean Affairs and the Law of the Sea. They are charged with a host of highly relevant tasks, which they carry out with a sense of responsibility despite limited resources. Resolutions on oceans and the law of the sea and on fishing require the Secretariat to consider and prepare various reports on important aspects of marine activity, and they have always fulfilled that task. We note that that type of request is being made more and more frequently, and the reports are increasing in size and number. In 2007 alone, there were four extensive technical reports prepared, which provided essential support to States. Nevertheless, the result was of the highest quality, reflecting the efforts and great capacity of the staff involved.

In conclusion, my delegation believes that the consensus achieved in the resolutions adopted today is a fundamental step forward. Consequently, we will support the draft omnibus resolution on oceans and the law of the sea and the draft resolution on fisheries management. In particular, we would like to express our thanks for the efforts and dedication of the two coordinators of those draft resolutions.

Mr. Andanje (Kenya): It has been 25 years since the adoption of the United Nations Convention on the Law of the Sea. One hundred and fifty-five countries have ratified the Convention. They include 41 countries from Africa and 42 from Asia. That demonstrates not only a near-universal acceptance of the Convention, but also the importance that Member States attach to the sea itself, and particularly to its resources. My own country, Kenya, ratified the Convention in 1989.

Members will recall that, under the provisions of the Convention, States are required to have established the limits of their continental shelf 10 years after its entry into force. The date of submission was extended to May 2009 for the States that completed early ratification. In 2005, Kenya established a task force to delineate the outer limit of its continental shelf and to formulate an integrated ocean management policy. I am pleased to report that the task force has completed its preparation of the desktop study and has taken steps to initiate the acquisition of the relevant data required for determining the outer limit of Kenya's continental shelf. We expect to make a submission to the Commission on the Limits of the Continental Shelf within 18 months.

The implementation of article 76 of the Convention continues to pose serious financial and technical challenges to coastal developing States. That is because the parameters that define whether a coastal State can extend its jurisdiction beyond 200 nautical miles are based on a complex set of scientific rules. They require the collection, assembly and analysis of a body of relevant hydrographic, geological and geophysical data, in accordance with the provisions outlined in the Scientific and Technical Guidelines. The complexity, scale and costs involved require substantial resources, notwithstanding the different geographical and geophysical circumstances of States.

The provisions in annex II, article 4, of the Convention set out the time limit for the submission of a claim for an extended continental shelf by States. In June 2007, States parties decided that the timeline be kept under review. Although Kenya is committed to making its submission within the timeline, we believe it should not be regarded as a deadline meant to penalize those States that ratified the Convention early.

As a matter of principle, the rights of developing States over their continental shelves beyond 200 nautical miles need to be safeguarded. To that end and in view of the difficulties experienced in the preparation of submissions, States parties should undertake a constant review of the ability of States to meet the timeline and make the necessary recommendations. They could include putting in place modalities for acceptance by the Commission on the Limits of the Continental Shelf of late submissions on a case-by-case basis. Alternatively, a general extension for developing coastal States could be considered.

However, in order not to be time-barred, Kenya urges States to expedite their work. My delegation believes that submission of the desktop study is sufficient for stopping the clock with regard to the submission time limit, even as States work on the data required.

Kenya appreciates the important work being carried out by the Commission on the Limits of the Continental Shelf. The report of the Chairman of the Commission to the recently concluded 17th meeting of States parties to the Convention indicates that the Commission requires more resources in terms of time and finances, owing to the constantly increasing work

load of the Commission. The Commission Chairman, Mr. Peter Croker, informed the meeting that there are about 65 States with extended continental shelves as of 2005, up from 33 in 1978. Africa is the main growth area. It is noteworthy that, in a rush to beat the deadline for submissions, States are making more submissions, which has overwhelmed the seven-member Commission.

In view of those developments, and since the Commission meets for 10 weeks per year, it can only process two submissions. Under such circumstances, it will become burdensome for nominating member States to support members of the Commission, as required under annex II, article 2, paragraph 5, of the Convention. Its work would also have to be extended to 2035 in order to enable it to process the 65 outstanding submissions. This state of affairs is unacceptable to coastal States, which need to harness the resources in their extended continental shelves. In the meantime, owing to the quickly approaching submission timeline, submissions from States are queued in the order in which they are received.

The proposal that members of the Commission should receive emoluments and expenses while performing Commission duties concerning the consideration of submissions made by coastal States on the outer limits of their continental shelves deserves consideration. Such emoluments and expenses could be defrayed through modalities agreed by States, including through the regular budget of the United Nations.

The need for capacity-building and technology transfer to developing countries cannot be overstated. We must share knowledge from research programmes, including the availability and maintenance of data, samples and research findings. The training and sensitization campaigns being carried out by the Division for Ocean Affairs and the Law of the Sea and other United Nations entities are invaluable. My delegation highly values that support, which should be strengthened.

Kenya appreciates the recent review of the trust fund established to assist developing coastal States in complying with the requirements relating to submissions to the Commission. We welcome the change of its terms of reference, which is an important development. However, I wish to point out that the most complex and expensive part in the preparation of a submission is data acquisition. It is important that that component is incorporated in the review. States parties must consider expanding the scope of the grant to cover that component. We believe that it will promote cooperation in data-sharing between member States in the spirit of article 244 of the Convention. In that regard, I would like to commend Norway for its active role in facilitating the review of the trust fund and especially for its support to my country.

My delegation supports the work of the Informal Consultative Process on marine genetic resources. It is critical for the preservation and protection of marine environment. Over the years, technology has enabled bottom-fishing, which in most cases results in damage to the vulnerable marine ecosystem. Illegal, unreported and unregulated fishing is equally becoming a threat to the security of fish stocks. The Informal Consultative Process must therefore focus on related topics.

We welcome the decision of the Informal Consultative Process to consider the topic of maritime security and safety in future discussions. It is a timely subject, since armed robbery and piracy along the Horn of Africa has now reached alarming proportions, especially in the territorial waters and international shipping lanes off the Somali coastline. As this is a matter of grave concern for the Government of Kenya and the international community, we must urgently address the problem.

The adoption on 18 May of the Nairobi International Convention on the Removal of Wrecks by the International Maritime Organization (IMO) was an important step. My delegation is convinced that it will give impetus to the efforts by IMO towards improving the safety of navigation, maritime security and the protection of the marine environment. We appeal to States that are signatory to the Convention but have not ratified it to do so and urge States not yet parties to consider becoming party to the Convention. It is important that the maritime industry provide assistance, directly or indirectly, to those States that may require support in considering the adoption of and subsequent implementation of the Convention.

Kenya supports an expanded role of the meeting of the States parties to the United Nations Convention on the Law of the Sea. We fervently believe the deliberations of meetings of States parties should not be limited to budgetary and administrative matters. As the supreme organ under the Convention, it should

continue to discuss substantive issues concerning the implementation of the Convention.

Considering the number of States parties that have ratified the Convention, and taking into account the fact that the Asian-African group is entitled to five permanent seats each on both the Commission and the International Seabed Authority, with an extra seat rotating between them, it is important that the principle of proportional and equitable geographical representation is observed to reflect current membership. My delegation will pursue this issue at the next meeting of the States parties.

Mr. Hill (Australia): I would first like to recognize and associate myself with the statement by the Ambassador and Permanent Representative of the Kingdom of Tonga on behalf of the Pacific Island Forum group of countries represented at the United Nations in New York.

This year, as others have said, marks an important milestone for the international law of the sea. It is now 25 years since the conclusion of the United Nations Convention on the Law of the Sea and over that period the global community's interaction with, and use of, the oceans and its diverse resources has evolved significantly. During that time, the Convention has proven to be both flexible and resilient, with much of it now forming part of the corpus of customary international law.

Since last year's debate under this agenda item, the international community has again moved closer to realizing the objective of universal adherence to the Convention. Australia would like to take this opportunity to congratulate Morocco, Moldova and Lesotho for having acceded to the Convention in the past year.

The draft resolutions before us continue to raise issues of utmost importance to Australia, invoking issues of key national, regional and international interest. Priority issues for Australia include governance arrangements for regulating human activities on the world's oceans, the role and operation of the Commission on the Limits of the Continental Shelf, seeking to improve maritime security and safety, and working towards the sustainable management and conservation of marine living resources.

In relation to high seas governance, the international community is faced with a number of challenges from both existing and potential activities and human impacts on the high seas, many of which are recognized in the draft resolutions before us. Issues that need to be addressed most urgently include over-fishing, destructive fishing practices, marine pollution, the impacts of climate change and the use of the oceans to sequester atmospheric carbon dioxide.

Just over a month ago, Australia participated in an expert workshop in New York, convened with the purpose of identifying gaps in oceans governance and the implementation of existing regulatory frameworks and considering various proposals for improving oceans governance outcomes.

We look forward to considering those issues further at next year's second meeting of the ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, bearing in mind the important discussions we had earlier in 2007 on marine genetic resources. Australia has played a leading role in the previous discussions of the working group and hopes to continue to do so.

In relation to maritime security and safety, Australia looks forward also to the opportunity presented by next year's United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea to explore avenues for cooperation and methods for addressing the challenges of maritime security and safety.

As a large island nation and coastal State, Australia recognizes the need for increased coordination at the domestic, regional and global levels to improve prevention and response capabilities in relation to new and emerging threats to maritime security. Those issues have relevance not only for prominent coastal and maritime States, but represent key policy challenges across a broad spectrum, including energy security, international trade and commerce, piracy and armed robbery at sea, transnational organized crime and maritime terrorism, particularly in respect of offshore installations.

We are pleased that recent technological developments are contributing to improvements in the safety of shipping and maritime domain awareness, including the work of the International Maritime Organization on systems for the long-range identification and tracking of ships. In addition, we welcome regional efforts to address threats to maritime security, including the establishment of the Information

Sharing Centre (ISC) in Singapore just over a year ago under the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. We note that the Centre has reported a decline in recorded incidents of piracy and armed robbery at sea in the first half of this year when compared to same period last year. This is certainly a positive development, and we hope the trend continues.

In relation to the Commission on the Limits of the Continental Shelf, Australia welcomes paragraphs in the omnibus resolution addressing the important work of the Commission and the challenges that lie ahead. Following Australia's submission on the outer limits of its continental shelf beyond 200 nautical miles in late 2004, we continue to engage constructively with the Commission as it enters the final stages of its work in formulating recommendations, upon which Australia will base its final outer limit.

We encourage States whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the Commission's work. Members must be in a position to work together for extended periods in New York in order to expedite the consideration of submissions and to avoid potential backlogs as the pace of submissions quickens over the immediate years ahead.

We would like to express our appreciation for the hard work of the Division for Ocean Affairs and the Law of the Sea in responding to calls for the strengthening of its capacity in its role as secretariat to the Commission and in working to build and improve the capacity of States in their preparation of national submissions. Based on Australia's own experience, preparing a submission is a demanding technical, scientific and legal task, and we are pleased to be able to continue sharing our experiences and lessons learned with other States as they plan and chart a course towards making their own submissions.

On the issue of sustainable fisheries and straddling and highly migratory fish stocks, Australia welcomes the accession of five States to this important Agreement since last year's debate— Bulgaria, Romania, Czech Republic, Lithuania and Latvia. Australia maintains its strong commitment to the Agreement and encourages ongoing action to broaden and strengthen its implementation, bearing in mind the important outcomes of the May 2006 Review Conference. We call on States that have not done so to accede to and implement the Agreement, as well as the conservation and management measures adopted under relevant regional fisheries management organizations (RFMOs).

In relation to significant adverse impacts of fishing on the marine environment, I recall that last year's resolution on sustainable fisheries, 61/105, was an important step forward in regulating bottom fishing and managing the impacts of destructive fishing practices on the marine environment. In particular, resolution 61/105 called upon competent RFMOs and arrangements to adopt and implement measures by the end of 2008 to identify vulnerable marine ecosystems, assess proposals for bottom fishing and ensure that bottom fishing does not proceed if assessed to have significant adverse impacts on vulnerable marine ecosystems. In unmanaged areas of the high seas, States are to do the same or not authorize their vessels to engage in bottom fishing.

We welcome recent efforts by RFMOs and similar arrangements to regulate bottom fisheries in accordance with resolution 61/105. Measures adopted recently by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) are an example of best practices in this area, requiring contracting parties to submit relevant information to the CCAMLR Scientific Committee, including, where possible, initial assessments of proposed bottom fishing activities and mitigation measures to prevent significant adverse impacts on vulnerable marine ecosystems. On the basis of such information, the Scientific Committee then makes a recommendation to the Commission on whether bottom fishing should proceed.

Australia continues to work in its region towards establishing new RFMOs and adopting interim measures for bottom fisheries in accordance with resolution 61/105. As an initial sponsor with New Zealand and Chile, Australia continues to be a key player in the development of the South Pacific RFMO. We welcome the adoption this year of voluntary interim measures by participants in the negotiations to establish the South Pacific RFMO. These interim measures will apply until relevant conservation and management measures come into force under a fully constituted South Pacific RFMO.

Moreover, Australia signed the Southern Indian Ocean Fisheries Agreement in December 2006. We

encourage States to move as quickly as possible to follow the South Pacific RFMO example by adopting interim measures, pending the Southern Indian Ocean Fisheries Agreement's entry into force, conserving fish stocks and managing bottom fisheries, including mitigating potential significant adverse impacts on vulnerable marine ecosystems. We look forward to the entry into force of the Southern Indian Ocean Fisheries Agreement as soon as possible.

Illegal, unreported and unregulated (IUU) fishing is obviously a complicated and multifaceted problem. We must address this scourge of the oceans through a combination of increased flag State responsibility, strengthened port State measures to restrict market access for IUU catch and strong action against nationals involved in IUU fishing activities. Australia continues to take this problem very seriously and acts firmly against foreign vessels fishing illegally in Australian waters.

Australia welcomes the important progress made in the Joint Food and Agriculture Organization (FAO) and International Maritime Organization (IMO) Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, which met for the second time in Rome in July 2007. We look forward to ongoing collaboration between the FAO and IMO, including crucial work on broadening the application of a unique vessel identifier that would deliver a permanent and more accurate method of identifying vessels, particularly in the face of efforts to disguise their identity through changed names, altered colours and fabricated call signs, even while at sea. We must continue our efforts to make life as difficult as possible for those engaged in reckless IUU activities.

Finally, Australia has a strong interest in further global development of port State measures as a tool in the fight against IUU fishing. We welcome the outcomes of the twenty-seventh Committee on Fisheries meeting, in particular the proposal to develop a legally binding instrument on minimum standards for port State measures. Such an instrument would build on the important progress that has been made regionally — for example, by CCAMLR, when Member States are now obliged to deny port access to vessels appearing on the CCAMLR list of IUU fishing vessels.

In the face of declining fish stocks globally and the inability or unwillingness of flag States to comply with international standards and obligations, stronger port State and market-based measures must be a priority for the international community.

Ms. Tareo (Marshall Islands): My delegation wishes to thank the coordinators and colleagues from Member States for their efforts in the recent informal consultations regarding both the resolution on sustainable fisheries (A/62/L.24) and the omnibus resolution on the law of the sea (A/62/L.27). As the Republic of the Marshall Islands relies upon marine resources for food security and sustainable development, these resolutions are of critical importance.

The issue of the impact of climate change on the ocean, as addressed in these two resolutions, is particularly fundamental for low-lying small island nations such as the Marshall Islands. As my nation watches sea levels rise, we are increasingly aware of the need for policymakers to better understand the broad impacts of climate change. The Republic of the Marshall Islands is pleased by the provisions in the omnibus law of the sea resolution that encourage efforts deployed within the framework of the International Polar Year, with the shared goal of studying the impacts of climate change in the Arctic and Antarctic regions. That research will provide direct benefits for nations even as far away as my own, as the degradation of polar regions may have substantial global marine impacts.

In addition, my delegation is pleased that the draft resolution also recognizes the need for international cooperation to support regional marine conservation and climate adaptation strategies, including the Micronesia Challenge — an innovative intergovernmental effort in the Western Pacific region to conserve 30 per cent of near-shore coastal resources by the year 2020.

New research regarding the relationship between climate change and ocean acidification is of grave concern to my nation. Each year, the world's oceans absorb approximately one third of all global carbon dioxide emissions. Alarmingly, increasing emissions levels will lead to ocean acidification — a change in ocean chemistry that may severely damage the coral reefs and related food chains upon which my nation depends for food security, economic development and tourism.

Ms. Victoria Fabry, a leading oceanographic scientist, has stated that ocean acidification will have direct and profound impacts on marine ecosystems. A recent scientific expedition, in 2006, collected field data throughout the Pacific Ocean and verified earlier predictive models regarding the rate of acidification. Furthermore, the world's first research buoy dedicated to monitoring ocean acidification has now been placed in the Pacific Ocean, near the Gulf of Alaska. Finally, the most recent report of the Intergovernmental Panel on Climate Change has discussed the expected threat of ocean acidification upon corals, as well as the need for further research on the impacts of ocean acidification on marine ecosystems.

Ocean acidification has been underemphasized in international forums. My delegation is pleased that the issue of ocean acidification has been addressed in the present draft resolution, and strongly urges Member States to devote their immediate attention to pursuing both further research and policy action on that vital matter.

The Marshall Islands affirms the need for flag States to play an important role in enforcing maritime law and remains committed to undertaking the tasks of oversight, regulation and vessel inspection, as outlined by the activities of the International Maritime Organization and the International Labour Organization. In addition, the Republic of the Marshall Islands recently ratified the Maritime Labour Convention.

As a low-lying nation uniquely vulnerable to the impacts of climate change, the Marshall Islands is also proud to participate in the Intersessional Technical Working Group and other efforts examining the reduction of carbon dioxide emissions from international shipping. In addition, the Marshall Islands encourages coastal States to further develop regulatory strategies that protect marine environments while also facilitating free transit and global trade.

Sustainable fisheries represent a critical part of my nation's economic infrastructure. Too often, commercial fishing operations will unintentionally create large amounts of by-catch — otherwise unwanted fish that are important to the economic sustainability and food security of the Marshall Islands. My delegation is pleased that the sustainable fisheries draft resolution now recognizes that important problem, and urges international awareness of the negative impacts of by-catch practices.

The Marshall Islands features one of the world's greatest populations of reef sharks, and we are concerned about its reported decline. My delegation recognizes the draft resolution's inclusion of international goals aimed at reducing the destructive practice of shark finning. Some nations have not yet fully implemented the 1999 Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks, a key measure that aims to protect the populations and habitats of sharks worldwide. In addition to calling for the full implementation of the FAO Plan's activities through international cooperation, the draft resolution also calls on Member States to take immediate action to improve the implementation of, and compliance with, existing shark-fishing regulations aimed at restricting shark finning. While the Republic of the Marshall Islands embraces the need to maintain a vigilant and active approach against such perpetrators, my nation may struggle to meet the enforcement goals outlined in the draft resolution without the presence of sustained international assistance.

My delegation is pleased that the draft resolution highlights the declaration of the Ministerial Conference held in Lisbon in October, which affirms traditional maritime law but also discusses the role that certain commercial actors play in benefiting from illegal, unreported and under-reported fishing. By addressing the entire supply chain of illegal fishing, the Lisbon Declaration may serve as a model for future international discussion.

Capacity-building remains an important issue for the Marshall Islands as we continue to address the vital aspects of the Fish Stocks Agreement, in particular the prevention of illegal and unreported fishing. The Marshall Islands fully embraces its commitment to maintaining an effective technical, administrative and enforcement capacity. My delegation calls attention to our valuable national effort in managing our fisheries.

However, like certain other small island developing States, our small population, limited resources and the overwhelming size of our vast exclusive economic zone all create barriers to achieving effective enforcement. My delegation also calls attention to the outcome document of the 2004 Pacific Islands Regional Ocean Forum, which further notes the regional need for international assistance in building such capacity as a means of implementation. The persistence of illegal, unreported and under-

reported fishing within both the Republic of the Marshall Islands and the Pacific region poses an immediate threat to the health of a globally significant food source, including one of the world's largest tuna fisheries.

My delegation emphasizes the success of recent joint enforcement activities, and also calls attention to the need for a sustained effort to bolster our capacity. The Marshall Islands welcomes provisions in the draft resolution that call upon Member States to continue their activities in assisting small island developing countries in the areas of fishery management and enforcement. Such partnerships will play an increasingly important role in transforming noble intentions into meaningful reality, with a truly global benefit.

The Acting President (*spoke in French*): We have heard the last speaker in the debate on sub-items (a) and (b) of agenda item 77.

The meeting rose at 1.20 p.m.

United Nations A/62/PV.65

General Assembly
Sixty-second session

Official Records

65th plenary meeting
Monday, 10 December 2007, 3 p.m.
New York

President: Mr. Kerim ..... (The former Yugoslav Republic of Macedonia)

The meeting was called to order at 3.30 p.m.

Agenda item 18 (*continued*)

Question of Palestine

Draft resolutions A/62/L.18, A/62/L./19, A/62/L.20/Rev.1 and A/62/L.21/Rev.1

The President: Members will recall that the Assembly held a debate on this item at its 58th and 59th plenary meetings, on 29 and 30 November 2007.

I give the floor to the representative of Senegal to introduce the draft resolutions.

Mr. Badji (Senegal) (*spoke in French*): During my statement on 29 November, at the 58th meeting, on the occasion of the debate on agenda item 18, I described the context in which the question of Palestine developed. It is in that very same context – also emphasized by a large majority of Member States – that I wish to present to the Assembly here and now the four draft resolutions approved by the Committee on the Exercise of the Inalienable Rights of the Palestinian People: draft resolutions A/62/L.18, A/62/L./19, A/62/L.20/Rev.1 and A/62/L.21/Rev.1.

The first three draft resolutions (A/62/L.18, A/62/L.19 and A/62/L.20/Rev.1) relate to the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division for Palestinian Rights and the special information programme on the question of Palestine of the Department of Public Information. The important mandates granted to these bodies by the General Assembly are reaffirmed in these texts. As in the past, the Committee proposes to profitably make use of the resources made available to it to carry out all the planned activities in its annual programme. These three draft resolutions contain updated data.

Before going any further, I wish to take this opportunity to dispel certain misunderstandings concerning the mandate of the Committee. The positions of the Committee on the settlement of the Palestinian question are similar in many respects, if not identical, to those of the majority of the other groups of Member States, and the European Union in particular. As Permanent Representative of Senegal and the Chairman of the Committee, I have had many opportunities to discuss the role of the Committee with my colleagues from different regional groups.

For example, recently, under my direction, a delegation of the Committee held a series of discussions with the representatives of European institutions in Brussels. The fact is that the Committee has periodically held consultations with delegations from the European Union and the European Commission and their successive presidents since 1996. Throughout the years, it has appeared that the positions of the Committee and those of the member States of the European Union come together basically on a certain number of points.

I wish also to emphasize that the Committee has consistently supported the peace process in the Middle East, and especially since the Madrid Peace Conference of 1991, which launched the political

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07-63399 (E)

process on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace. While demanding the end of the occupation of Palestinian territory, it has firmly supported the objective of a two-State solution, Israel and Palestine, living side by side in peace and security within the pre-1967 borders. The Committee welcomed the Road Map established by the Quartet and asked the two parties to implement it.

As I have already said, the Committee has welcomed the Quartet's efforts and those of the Arab Peace Initiative. It has favoured the deployment of the European Union Police Mission for the occupied Palestinian territories and the establishment of a temporary international mechanism to facilitate the provision of economic and humanitarian aid, for which the Palestinian people have so much need. It also hails and supports the important work carried out by Mr. Tony Blair, the special envoy of the Quartet, to promote the economic development of Palestine, the maintenance of order and the efficiency of the institutions of the Palestinian Authority.

The Committee favours the creation of an independent, democratic and viable Palestinian State in the West Bank, including East Jerusalem, and in the Gaza Strip — a State that is to bring together all Palestinians. And, as to security, I remind the Assembly that the Committee firmly condemns any activities of one or another party to the conflict that would blindly target the civilian populations.

In a communiqué that was published last week, the Bureau of the Committee welcomed the results of the Annapolis international Conference and declared that the Conference marked a decisive stage in the negotiations on the permanent status destined to end Israeli occupation of Palestinian territory, including East Jerusalem, and to establish a viable Palestinian State within secure and recognized borders, living in peace and security side by side with Israel and its other neighbours in the region. We are pleased in particular by the commitment taken by all parties to work towards the attainment of this objective.

However, in spite of very well known positions which go back a long way, certain Member States abstain or refuse to support the Committee's mandate. I would like to invite the delegations concerned to reconsider their attitude and to vote, as they should, for the draft resolution concerning the Committee and the Division for Palestinian Rights. As members know, the Division helps the Committee fulfil its task by providing it with technical services and the necessary staff to carry out its mission.

The fourth draft resolution, entitled "Peaceful settlement of the question of Palestine" (A/62/L.21/Rev.1), aims to reaffirm the position of the General Assembly on the essential elements of a political settlement by evoking also the events of the past year. They welcome, in particular, the strengthening of international efforts aimed at resuming the peace process, including the initiative taken by the President of the United States of America to organize an international meeting in Annapolis, the reaffirmation of the Arab Peace Initiative and follow-up measures taken by the Arab States, as well as the activities carried out by the Quartet and its special representative.

The four draft resolutions that I have just presented enunciate positions, mandates and programmes that are of vital importance, especially at the current stage of development of the question of Palestine. I would thus ask the General Assembly to kindly adopt these draft resolutions and to support the important objectives contained in them.

The President: We shall now proceed to consider draft resolutions A/62/L.18, A/62/L.19, A/62/L.20/Rev.1 and A/62/L.21/Rev.1.

Before giving the floor to the representative of Panama, who wishes to speak in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Soler Torrijos (Panama) (*spoke in Spanish*): We are taking the floor to explain our vote with respect to draft resolution A/62/L.18, entitled "Committee on the Exercise of the Inalienable Rights of the Palestinian People". We also wish to make some comments on the Palestinian-Israeli conflict.

The Republic of Panama firmly believes in the rights of the Palestinian people to self-determination, independence and national sovereignty, rights that are indispensable to the solution to the question of Palestine. At the same time, we recognize the right of Israel to live in peace among its neighbours.

Panama supports all the efforts undertaken by the United Nations to obtain these objectives and its

special efforts made on this particular issue. We recognize that the United Nations has an ongoing responsibility on the question of Palestine and that this will continue until a satisfactory solution, in all its aspects, is found. This is why we have often voted in favour of draft resolutions introduced on this issue. Panama will continue to do so as long as they contribute to achieving those aspirations and will continue to support the role of the United Nations in its objective of establishing sustainable peace in the region.

We are concerned by the lack of efficiency in the General Assembly in resolving the Palestinian/Israeli conflict. We would like to point to the large number of resolutions that have been adopted by the United Nations on a broad range of issues, many of which have had very low impact on these matters. We all realize that the solution to the Palestinian/Israeli — as with any other important issue dealt with by the international community — does not lie in the number of the resolutions produced, but in the consensus we reach, so that concrete action can be undertaken to obtain the desired objectives.

On this occasion, Panama wishes to abstain in the voting on this draft resolution because we feel that with the current situation in the Middle East, and especially following the progress made in the negotiations among the concerned parties, the General Assembly should rethink its role in finding a resolution to the Palestinian/Israeli conflict. The Assembly created this Committee more than two decades ago and, since then, great efforts have been made by the United Nations and we feel that other initiatives already undertaken should be reinforced.

According to the Charter, one of the main functions of the General Assembly is to make recommendations to resolve peacefully any controversy. This is why we feel our debate in the plenary should aim at formulating proposals helping to resolve conflicts. In our opinion, under the present circumstances, the functions and the continuation of the Committee should be re-evaluated in this context.

The President: The Assembly will now take a decision of draft resolutions A/62/L.18, A/62/L.19, A/62/L.20/Rev.1, and A/62/L.21/Rev.1.

We turn first to A/62/L.18, entitled, "Committee on the Exercise of the Inalienable Rights of the Palestinian People". There are additional sponsors: Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Albania, Andorra, Austria, Belgium, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Serbia, Slovakia, Slovenia,

Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu

Draft resolution A/62/L.18 was adopted by 109 votes to 8, with 55 abstentions (resolution 62/80).

[Subsequently, the delegation of Bosnia and Herzegovina advised the Secretariat that it had intended to vote in favour, and the delegation of Hungary advised that it had intended to abstain.]

The President: We now turn to draft resolution A/62/L.19, entitled "Division for Palestinian Rights of the Secretariat". There are two additional sponsors, Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu

Draft resolution A/62/L.19 was adopted by 110 votes to 8, with 54 abstentions (resolution 62/81).

[Subsequently, the delegation of Bosnia and Herzegovina advised the Secretariat that it had intended to vote in favour, and the delegation of Hungary advised that it had intended to abstain.]

The President: We now turn to draft resolution A/62/L.20/Rev.1 entitled, "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti,

Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Cameroon, Côte d'Ivoire, Malawi, Tonga, Vanuatu

Draft resolution A/62/L.20/Rev.1 was adopted by 161 votes to 8, with 5 abstentions (resolution 62/82).

[Subsequently, the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to vote in favour.]

The President: The Assembly will now take a decision on draft resolution A/62/L.21/Rev.1, entitled, "Peaceful settlement of the question of Palestine". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Cameroon, Canada, Côte d'Ivoire, Tonga, Vanuatu

Draft resolution A/62/L.21/Rev.1 was adopted by 161 votes to 7, with 5 abstentions (resolution 62/83).

[Subsequently the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to vote in favour.]

The President: The Assembly has thus concluded this stage of its consideration of agenda item 18.

Agenda item 17 (*continued*)

The situation in the Middle East

Draft resolutions (A/62/L.22 and A/62/L.23)

The President: Members will recall that the Assembly held the debate on this item at its 60th plenary meeting, on 30 November. We shall now proceed to consider draft resolutions A/62/L.22 and A/62/L.23.

We turn first to draft resolution A/62/L.22, entitled, "Jerusalem". There are two additional sponsors: Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Angola, Australia, Cameroon, Côte d'Ivoire, Fiji, Tonga, Vanuatu

Draft resolution A/62/L.22 was adopted by 160 votes to 6, with 7 abstentions (resolution 62/84).

[Subsequently the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to vote in favour.]

The President: Draft resolution A/62/L.23 is entitled "The Syrian Golan". There are two additional sponsors: Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape

Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America

Abstaining:

Albania, Andorra, Angola, Australia, Austria, Belgium, Bulgaria, Cameroon, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu

Draft resolution A/62/L.23 was adopted by 111 votes to 6, with 56 abstentions (resolution 62/85).

[Subsequently the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to abstain.]

The President: I shall now call on those representatives who wish to speak in explanation of vote on the resolutions just adopted. Before giving the floor to the speakers in explanation of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Lemos Godinho (Portugal): I have two explanations of vote, and I will read them subsequently.

I have the honour to speak on behalf of the European Union (EU). The Candidate Countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Montenegro and Serbia, as well as Ukraine, align themselves with this declaration.

The European Union has voted in favour of the draft resolution contained in A/62/L.20/Rev.1, on "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat". The European Union welcomes new elements introduced in the resolution this year. In the light of the ongoing peace process, we encourage the Department of Public Information (DPI) and the parties to reflect upon ways to improve the contribution of the programme to enhance dialogue and understanding between Palestinian and Israeli societies. The European Union stands ready to work with DPI and the parties towards the achievement of this goal.

I pass to the second explanation of vote, with the President's permission.

I would like to explain the vote by the countries of the European Union on the resolution on "The Syrian Golan" contained in A/62/L.23. The Candidate Countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as the Ukraine and the Republic of Moldova, align themselves with this declaration.

The European Union remains concerned about the situation in the Middle East. In that context, the European Union stresses the crucial importance of the

Annapolis Conference and the renewed commitment to a two-State solution. We commend the efforts of President Mahmoud Abbas and Prime Minister Ehud Olmert and congratulate them on their decision to take the historic step of immediately launching final status negotiations on all core issues, as specified in previous arrangements. The European Union also welcomes the pledge made by the parties concerning reaching an agreement before the end of 2008.

The Annapolis Conference represented a turning point for regional and international parties to effectively support a just, lasting and comprehensive peace in the Middle East.

There can be no military solution to the Middle East conflict. A settlement of the situation in the Middle East, including on the Syrian and Lebanese tracks, must be based on Security Council resolution 242 (1967) — which emphasized the inadmissibility of the acquisition of territory by force and the need to work for a just and lasting peace in which every State in the region can live in security — and on the subsequent resolutions 338 (1973), 1397 (2002) and 1515 (2003). It must also be based on the Madrid terms of reference, in particular the principle of land for peace, as well as on the implementation of the Road Map and all existing agreements between the parties. We reiterate our intention, as a part of the Middle East Quartet, to continue working relentlessly with the regional parties towards that goal.

The European Union would like to reiterate that a final peace settlement will not be complete without taking account of the Israel-Syria and Israel-Lebanon aspects. Negotiations should resume as soon as possible with the aim of reaching an agreement. It should be recalled that, on 26 November, the European Union voted in favour of draft resolution A/C.4/62/L.18, on the Syrian Golan, in the Fourth Committee, which called upon Israel to desist from changing the demographic composition of the occupied Syrian Golan and, in particular, to desist from the establishment of settlements. We believe that resolution 62/85, on the Syrian Golan, under today's agenda item contains references that could undermine the process of bilateral negotiations. For that reason, as in previous years, the European Union abstained in the voting on the resolution.

Finally, in the spirit of rationalizing the work on the agenda of the General Assembly, the European Union would prefer to have only one resolution dealing with this issue before this body.

Mr. DeLaurentis (United States of America): The United States could not support resolution 62/85, entitled "The Syrian Golan", under agenda item 17. We continue to disagree with the text, which prejudices final-status issues that must be negotiated between the parties. Considering that members of the international community recently met in Annapolis to discuss the way forward towards Israeli-Palestinian peace and a comprehensive peace in the Middle East, this resolution is particularly unhelpful in that regard.

The United States policy on Syria is well known, and our position on this resolution remains unchanged from last year.

Mr. Salsabili (Islamic Republic of Iran): My delegation, along with the overwhelming majority of Member States, voted in favour of the resolutions just adopted on the question of Palestine, in order to reaffirm its solidarity and sympathy with the Palestinian people.

Our positions with regard to the question of Palestine are well known, and therefore we wish to place on record our reservations regarding certain paragraphs of the resolutions, which may not be in line with the stated positions and policies of my country.

As everyone is aware, the Islamic Republic of Iran has been unwavering in its full support for the Palestinian people in their endeavours to attain their national rights, dignity and aspirations, and has supported the legal and democratic Government of Palestine. In that context, the Islamic Republic of Iran is of the view that the issue of Palestinians' internal differences is a matter of a purely internal nature and should therefore be addressed by the Palestinians themselves. The references made to certain internal issues of Palestine in a number of these resolutions are not helpful and may be construed by many Palestinians as outside interference in their domestic affairs. As a consequence, they may further exacerbate the current dangerous situation. Indeed, internal issues of Palestine should be dealt with internally and through national dialogue and a process of national reconciliation.

The Islamic Republic of Iran continues to emphasize the inalienable rights of the Palestinian people, who have been suffering from the occupation and from brutal suppression for decades. We stress the

importance of the support of the international community for the Palestinians' struggle against that occupation and aggression.

The Islamic Republic of Iran believes that a settlement of the Palestinian issue can be achieved only if the inalienable rights of the people of occupied Palestine are fully and unconditionally realized. Regrettably, the past initiatives aimed at a settlement of the issue have not contributed to the solution of this long-standing crisis, owing to a lack of attention to the root causes of that crisis. The recent Conference seems to be meeting the same fate.

Mr. Gillerman (Israel): The Israeli delegation voted against draft resolutions A/62/L.18 to A/62/L.23, which all promote a single biased and inaccurate narrative of the situation in the Middle East and of the Israeli-Palestinian conflict. The ritualistic recycling of these outdated draft resolutions shows that the Assembly remains utterly oblivious to the bilateral nature of the peace process and the momentum witnessed at the Annapolis meeting less than two weeks ago.

In that regard, I wish to briefly highlight some obvious areas where these resolutions fail to promote a process of peace and to reflect the reality on the ground.

Draft resolution A/62/L.21, "Peaceful settlement of the question of Palestine", neglects to mention the greatest impediments to reaching a peaceful settlement, namely, terrorism, the suicide bombings and the daily barrage of Qassam rockets and mortar fire at Israeli towns and cities, in particular Sderot. Since June 2007, Palestinian terrorists have fired a rocket at Israel, on average, every three hours. A resolution calling for a peaceful settlement cannot ignore that glaring fact.

Nor can we ignore the fact that 19 months have passed since Gilad Shalit was kidnapped by Palestinian terrorists. While it is admirable that some Member States have called for his immediate release, this resolution wholly ignores those calls and is completely silent on his plight. An end to the Qassam rockets and the immediate release of Gilad Shalit are the basic criteria for the way forward. A resolution that fails to mention those fundamental issues can have no impact on the efforts to find a peaceful settlement to the conflict.

Similarly, despite attempts to find agreeable language on draft resolution A/62/L.20/Rev.1, entitled "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat", it is regrettable that an amenable text could not be reached. Such a text would have enabled other delegations to lend their support and the Assembly to reach a consensus. Efforts were made to seek a balanced text that might be agreeable to both sides, representing the narrative of the conflict and its solution rather than only one side of the conflict. Such a text would have enabled Israeli officials to participate in activities and seminars of the Department of Public Information. But, again, instead of working together to bridge differences, the Palestinians chose a resolution that only widens those gaps.

In their predetermined, unrealistic, impractical and completely biased conclusions, these resolutions feed the Palestinians' addiction to the culture of victim hood and give them a fictitious sense of reality and a discourse of rights without responsibilities. Aside from the damage done to our region, they render the United Nations completely incapable of playing a role in addressing the conflict.

Israel feels that efforts, energy and resources could and should be diverted to more practical, relevant and realistic goals. In that respect, and directly connected to the texts being voted upon today, let me quote the words of former Secretary-General Kofi Annan, who said in a statement last year:

> "Some may feel satisfaction at repeatedly passing General Assembly resolutions or holding conferences that condemn Israel's behaviour. But one should also ask whether such steps bring any tangible relief or benefit to the Palestinians. There have been decades of resolutions. There has been a proliferation of special committees, sessions and Secretariat divisions and units." (*S/PV.5584, p. 4*)

Hope for the Palestinians cannot be found in General Assembly resolutions that insist on maximal and zero-sum solutions. Hope cannot be found in these very resolutions, not one of which even mentions the Hamas terrorists controlling the Gaza Strip and the vicious and devastating acts of violence and murder they have carried out and continue to carry out.

Hope cannot be found in political manoeuvring by Member States that choose to promote pieces of

paper instead of peace. Hope can be found, however, in the hearts and minds of the people and their leaders committed to peace. Hope for the Palestinians lives in the actions they must take on the ground to end the violence, terrorism and incitement. Hope lives in the road map and the insistence on both parties' abiding by their obligations and embracing their responsibilities.

The spirit of Annapolis, which launched and reaffirmed the bilateral process between Israel and the Palestinians, is alive and felt in our region. The moderate Arab and Muslim States that were present at Annapolis with the intention of supporting the process have created the proper atmosphere that provides momentum to begin substantive negotiations.

The bilateral process is the only way for Israel and the Palestinians to reach a peaceful settlement. The resolutions that this Assembly considered today are completely detached from that process. If anything, they show that this world body is not interested in supporting the bilateral process and, I dare say, even jeopardizes the potential for its success.

Mr. Argüello (Argentina) (*spoke in Spanish*): I should like to explain the voting of the delegations of Argentina and Brazil on resolution 62/85, adopted by the General Assembly a few moments ago.

Argentina and Brazil voted in favour of the resolution because we understand that its most important aspect concerns the unlawful nature of the acquisition of territory by force. Paragraph 4 of Article 2 of the United Nations Charter prohibits the threat or use of force against the territorial integrity of any State. That is an imperative norm of international law.

At the same time, I wish to clarify our delegations' position in connection with paragraph 6 of resolution 62/85. Our votes do not prejudge the content of that paragraph, in particular the reference to the line of 4 June 1967. On this occasion, on behalf of the Governments of the Argentine Republic and the Federal Republic of Brazil, I urge the authorities of Israel and Syria to resume negotiations to find a final solution to the issue of the Syrian Golan pursuant to Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace.

Ms. Gatehouse (Australia): Australia remains concerned about the disproportionate and duplicative allocation of Secretariat resources dedicated to Palestine, including the Division for Palestinian Rights and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The annual resolutions endorsing those work units do nothing to streamline or rationalize the Secretariat's structure or to make its work more balanced. Similarly, the Special Information Programme on the Question of Palestine of the Department of Public Information is not a constructive use of United Nations resources.

Australia considers that these resolutions make little contribution to the cause of peace in the Middle East.

The President: We have heard the last speaker in explanation of vote.

Mr. Lemos Godinho (Portugal): I have the honour to speak on behalf of the European Union.

The European Union stresses the necessity of a peaceful settlement of the question of Palestine. In that context, the European Union welcomes the joint understanding reached at the Annapolis conference between Prime Minister Olmert and President Abbas immediately to launch good faith bilateral negotiations in order to conclude a peace treaty before the end of 2008 that should lead to the establishment of an independent, democratic and viable Palestinian State in the West Bank and Gaza that will unite all Palestinians, living side by side in peace and security with Israel and its other neighbours.

In order to consolidate the progress achieved so far and fulfil the potential of the process, it is essential that the parties desist from any actions that threaten the viability of a comprehensive, just and lasting settlement, in conformity with international law. Progress in negotiations, enhanced cooperation on the ground and building Palestinian institutions should be concurrent and mutually reinforcing processes. In that regard, the European Union recalls the importance of the parties' implementing their road map obligations in parallel with their negotiations.

The European Union reiterates its concern about all forms of violence against Palestinians and Israelis alike. Stopping all acts of violence and terror is of the utmost importance to furthering the Middle East peace process. While recognizing Israel's legitimate right to self-defence, the European Union calls on Israel to exercise the utmost restraint and underlines that action should not be disproportionate or in contradiction with

international law. The European Union also reiterates that it strongly condemns the firing of rockets into Israel.

The European Union is determined to accompany the new momentum by supporting the parties in their negotiations in a sustained and active manner and working closely with the other members of the Quartet and partners in the region. The European Union stands ready to adapt and enhance its activities in such areas as security, law and order, institution-building, good governance, civil society contributions and support for the Palestinian economy in order to foster a new, substantive and credible peace process.

In that context, the European Union underlines the importance of the donors' conference due to take place in Paris, and encourages donors in that regard to increase their direct assistance to the Palestinian Authority, in accordance with its governance programme, in order to enable it to build a viable and prosperous Palestinian State.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): My delegation wishes to express its deep gratitude and appreciation to the General Assembly, which, as it has been doing since 1981, has again adopted resolutions on the Syrian Golan, on the question of Palestine and on the situation in the Middle East, and has done so by a vast majority of votes in favour of justice, rights and the law.

The fact that the international community is still supporting these resolutions reflects its continued support for the purposes and principles of the Charter of the United Nations. This buttresses our right to recover our lands occupied by Israel for more than 40 years, which is supported by a great Power and by a small number of other countries.

Without a doubt, the adoption of these resolutions sends out a clear international message to Israel: that occupation, murder, expansionist and aggressive policies, the building of settlements, the creation of a fait accompli and the annexation of the territories of others are practices rejected and condemned by the entire international community.

It is obvious that Israel needs to be reminded that the international community has rejected its provocative anti-peace policies. This is especially true since its Government has confiscated more Palestinian land in East Jerusalem, and has decided to build 300 new units for settlers there. This comes just two days after the Annapolis meeting.

The delegation of the Syrian Arab Republic wishes to reiterate its thanks to all countries that voted for draft resolution A/62/L.23, on the Syrian Golan. I reaffirm my country's appeal for a just and comprehensive peace and our insistence, more than ever before, that the Golan be liberated from Israeli occupation by all means available under international law. We urge the international community to help us achieve this objective in order to prevent war, through continuing pressure on the side that stands in the way of peace: Israel. Israel should be pressured to accept a just and comprehensive peace that would guarantee a prosperous future for the region and its peoples.

Israeli occupation of the Golan is a twofold crime under international law: it involves not only Israeli occupation of the Golan, but also Israel's illegal annexation of the Golan in 1981. That prompted the Security Council to adopt its resolution 497 (1981), which decided that the Israeli decision to annex the Golan was null and void, and without legal effect.

In spite of that clear-cut truth, we hear unfortunately from some colleagues flimsy justifications for their votes against the resolution, which are votes against international law. They justify their negative votes by claiming that certain paragraphs prejudge the results of final status negotiations between Syria and Israel, as if there really were negotiations between Israel and Syria, or as if we should reward the occupation by handing over part of our occupied territories and accepting a fait accompli — or as if those colleagues believe that negotiations mean that we should somehow abandon our rights at the negotiating table.

The bitter truth is that our people live under the yoke of Israeli occupation in the Golan. The international community, in accordance with the principles of the Charter, should condemn this occupation and this annexation, just as in 1939 the international community condemned Nazi Germany's annexation of the Sudetenland in Czechoslovakia and of Danzig in Poland. But ultimately, tolerating the Nazis' annexation of those two European areas led to a situation where the occupier expanded and occupied its neighbours. In our opinion and that of many delegations in this Hall, the Golan is no less important than the two areas I just mentioned. That is why the

international community must condemn Israel's occupation and annexation of the Golan so that Israel will not continue to violate international law and the rights of the States in the area that are trying to bring about a just and comprehensive peace.

The Annapolis meeting took place on 27 November 2007 to restart the Arab-Israel peace process. The Syrian Arab Republic participated in the meeting and in the discussions because of our desire to contribute to any international effort to bring about a just and comprehensive peace in the region on all tracks of the peace process. The majority of Conference participants reaffirmed the importance of bringing about a just and comprehensive peace in the region, and stressed that the peace process should involve all tracks, especially the pivotal issue of the occupied Syrian Golan. This process requires that Israeli occupation of Palestinian territories, including East Jerusalem, of the Syrian Golan and of the Lebanese Sheba'a farms be brought to an end.

Mr. Mansour (Palestine): Mr. President, allow me at the outset to thank all the countries that sponsored the draft resolutions that we have voted on today and to thank all the countries that voted in favour of those resolutions. In this connection, we again express our gratitude to the General Assembly for the fact that the number of votes in favour has increased in comparison to last year, on an average from four to eight votes.

Our reading of the international community and that of the General Assembly is that these votes are a confirmation of the international community's efforts. It has expressed the same sentiment in the General Assembly tonight as it had demonstrated in Annapolis. It has upheld international law by setting forth in five pages of a resolution entitled "Peaceful settlement of the question of Palestine" all of the details of what is required, in the view of the international community and under international law, for a just and comprehensive solution to this question.

That resolution is the narrative of the international community, a multilateral narrative of how peace based on justice could be accomplished, in spite of the insistent efforts of one delegation to disqualify the international community, in Annapolis and in the General Assembly, from playing a role. The 50 countries and organizations that participated in Annapolis and the 192 countries plus observers in this General Assembly refuse totally to be disqualified from playing a positive, constructive role in bringing peace and justice to the Middle East.

Thus, the assertion that bilateral negotiations between the two parties are the only way is a false assertion. If the assertion were true, then we need an explanation why this large number of countries, representing all countries in the General Assembly, participated in Annapolis.

I think it is high time for Israel to conclude from what we do every year — with all blocs, the European Union, the African countries, the Rio Group, the Arab Groups, the Non-Aligned Movement, the Organization of the Islamic Conference. We have worked with all groups in order to arrive at language that reflects the consensus of the international community for finding peace and helping the peace process.

Only one delegation keeps insisting, at the verbal level, on rejecting the consensus or the great majority position of the international community as we see it in the General Assembly. And more dangerously, Israel's action on the ground is in total contradiction to the spirit of peace. Otherwise, how can we explain the action of a country that only a few days ago, after the return of delegations from Annapolis and after the understanding that there will be a freeze on settlements, they continue with the construction of settlements in East Jerusalem? How can we explain the maintenance of hundreds of checkpoints in the West Bank? How can we explain the continuation of the suffocation of our people in the form of collective punishment in the total prison that is the Gaza Strip?

The actions of Israel speak much louder than all of their assertions that they are interested in peace. Those who are interested in moving the peace process forward have to change their behaviour. They have to act in such a way that contributes to an atmosphere conducive for moving the peace process forward.

They claim that we enjoy being victims. We totally reject this assertion. Our people are truly suffering from the occupation. They are suffering everywhere, with 11,000 prisoners, with what is happening to our people in Gaza, with the isolation of Jerusalem, with the continuation of settlements, with the construction of the illegal wall, and the list goes on and on.

This is the behaviour of the occupying Power, and if anyone thinks that living under such a brutal occupation means we enjoy being victims, I would say to them "Wake up and look at reality, really and properly".

There could be no greater pleasure for us than to do away with all these resolutions, if we saw our independent Palestinian State, after the termination of the occupation, established next to Israel in all of the land that they occupied in 1967, with East Jerusalem as our capital, with a just and agreed solution to the refugee question on the basis of resolution 194 (III) of 11 December 1948.

If that were to happen, we would not trouble any delegation to consider any more resolutions or spend any more time or spend any more money on all of these programmes that are advancing the cause of peace in the Middle East in the form of the programmes of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division for Palestinian Rights of the Secretariat or the Department of Public Information unit. We are genuinely interested in peace and in putting an end to the occupation and the agony of our people, and in moving in the direction of development and constructing our own State.

The international community is trying, as always, to help in that endeavour and we hope that the Israelis will learn a lesson from this message from people who are not hostile to Israel but are interested in upholding international law and in helping the peace process to move forward.

We look forward during the year 2008 to concluding a peace treaty with the Israelis in order to put an end to the occupation and to allow our long-awaited Palestinian State to be born, so that the General Assembly can discuss, in the year 2008 or 2009, issues other than the many issues that we have debated in the General Assembly, in the Security Council and in other places on the question of Palestine.

Again, Mr. President, I want to conclude by wishing everyone happy holidays as we are about to finish the deliberations of this session.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 17.

Reports of the Second and Fifth Committees

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the two Committee reports that are before it today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the two Committees have been made clear in the Committees and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that when the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee.

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Second and Fifth Committees, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Committees, unless notified otherwise in advance. This means that, where separate or recorded votes were taken, we will do the same. I also hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the respective Committees.

Agenda item 54

Sustainable development

(d) Protection of global climate for present and future generations of mankind

Report of the Second Committee (A/62/419/Add.4)

The President: The Assembly has before it a draft resolution recommended by the Second Committee in paragraph 10 of its report.

Before proceeding further, I should like to inform members of a technical correction to operative paragraph 2 of the draft resolution. Towards the end of operative paragraph 2, the phrase "strongly urges" should read "strongly urge". The paragraph will therefore read,

> "Notes that States that have ratified the Kyoto Protocol to the United Nations Framework Convention on Climate Change welcome the entry into force of the Protocol on 16 February 2005 and strongly urge States that have not yet done so to ratify it in a timely manner".

We shall now take a decision on the draft resolution, entitled "Protection of global climate for present and future generations of mankind", as orally corrected. A separate vote has been requested on operative paragraph 11 of the draft resolution. Is there any objection to that request? There is none. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Japan, United States of America

Operative paragraph 11 of the draft resolution was retained by 162 votes to 2.

[Subsequently, the delegation of Canada advised the Secretariat that it had intended to vote in favour.]

The President: The Assembly will now take a decision on the draft resolution as a whole, as orally corrected. The Second Committee adopted the draft resolution. May I take it that the Assembly wishes to do the same?

The draft resolution as a whole, as orally corrected, was adopted (resolution 62/86).

The President: The Assembly has thus concluded this stage of its consideration of sub-item (d) of agenda item 54.

Agenda item 128

Proposed programme budget for the biennium 2008-2009

Report of the Fifth Committee (A/62/563)

The President: The Assembly has before it a draft resolution recommended by the Fifth Committee in paragraph 7 of its report.

The Assembly will now take a decision on the draft resolution, entitled "Capital master plan". The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 62/87).

The President: The Assembly has thus concluded this stage of its consideration of agenda item 128.

Agenda item 77 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/62/66 and Add.1 and Add.2)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its eighth meeting (A/62/169)

Draft resolution (A/62/L.27)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/62/260)

Draft resolution (A/62/L.24)

Mr. Heller (Mexico) (*spoke in Spanish*): The delegation of Mexico wishes to begin by expressing its appreciation to the coordinators of the two draft resolutions, the United States and Brazil, for the efforts made and the results achieved. We also wish to thank the Division for Ocean Affairs and the Law of the Sea for preparing the relevant reports and, in particular, for launching various training programmes for developing countries.

The reports submitted to us by the Secretary-General indicate some progress in protecting the marine environment. Unfortunately, however, there are still signs of its degradation and of a lack of compliance by States with their obligations under the international law of the sea regime.

Mexico is convinced that cooperating and coordinating at all levels, establishing interdisciplinary and integrated approaches in the management of ocean affairs and recognizing the jurisdiction of the competent legal bodies with a view to the peaceful settlement of disputes will ensure the effectiveness of the international community's legal, political and technical tools, in particular the 1982 Convention on the Law of the Sea.

We welcomed the holding of the eighteenth meeting of States parties to the Convention, which devoted five days to the discussion of substantive issues of interest to States parties, particularly developing countries, independently of the elections to the International Tribunal of the Law of the Sea.

We wish in particular to highlight the work of the Commission on the Limits of the Continental Shelf and to reaffirm our commitment to help build its capacities so that it can deal with the significant increase in its workload. Therefore, we welcome the measures to that end set out in the omnibus draft resolution (A/62/L.27).

With regard to the Commission on the Limits of the Continental Shelf, I wish to take this opportunity to inform members that the Government of Mexico has completed the relevant study and will give a partial presentation to the Commission during the next few weeks.

Mexico also wishes to reiterate the importance of capacity-building in the preparation of trustworthy nautical maps guaranteeing the security of navigation to protect the marine environment, in particular, vulnerable marine ecosystems like coral reefs.

The protection of human rights for seafarers must be given special attention, given the frequent violations relating to procedural guarantees. For that reason, the anticipated rules in the Convention regarding the prompt release of vessels and its crew, sanctions for the contamination of the marine environment by foreign ships and laws governing the recognized rights of those accused, must be respected.

Concerning the maritime transportation of radioactive materials and the lack of proper protocols for determining responsibility and compensation in the event of accidents, while we recognize that some progress has been made in the framework of the International Atomic Energy Agency (IAEA), we share the Caribbean Community's (CARICOM) vision of the

need for more effective steps to deal with the concerns of the small island States and other coastal States. Finally, regarding freedom of navigation and the right of transit, we would re-emphasize the validity of the principles of the Convention.

Climate change is a phenomenon affecting the vast majority of human activities and our surrounding environment. It is very important then that we include in the omnibus draft resolution paragraphs on acidification of the oceans as a consequence of the emission of gasses into the atmosphere.

As regards conservation and sustainable use of marine biodiversity beyond national jurisdiction, we welcome the convening of the second meeting of the Ad Hoc Working Group. The trends identified by the Group, such as the central role to be played by the General Assembly in this area, and the fundamental role played by the Convention as the legal framework relating to the utilization and conservation of biodiversity beyond national jurisdiction — those are of maximum importance for future consideration.

Under the same heading, we would like to repeat our position that we need valid guarantees that the use of the genetic resources of international seabed must be carried out in a sustainable and equitable way. Accordingly, we recognize the fruitful contents of the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) as regards its technical and scientific aspects. We would like to state quite clearly however that that meeting taught us a lesson: we must pursue dialogue among all States, as a sine qua non, if we adopt actions, that might affect the common heritage of mankind. We are confident that in future meetings we will launch our efforts on that basis.

As regards the central issue of the Consultative Process, Mexico would like to reiterate its position that, although just one issue is chosen for the next meeting, that should be considered an exception and not the rule. The selection of themes should be based on the nature, complexity and scope of each item.

Turning now to the question of sustainable fishing, Mexico is fully committed to that subject, and we are abiding by all of the substantive provisions of the 1995 Agreement. This subject is of special importance to my country, and for that reason, we actively participate in the search for machinery that will make it possible for those rules to become universal.

One of the measures considered by the 2006 Review Conference identified as a goal the achievement of the universality of the Agreement through an exchange of ideas and a dialogue to consider the concerns of States non-parties. In that sense, Mexico would once again make an appeal to States to establish a dialogue serving not only to promote the greatest degree of ratification and accession to the Agreement, but also serving to promote cooperation through the enactment of national conservation and management measures, guaranteeing conservation and sustainable use of straddling and highly migratory fish stocks. We are closely following the results of informal consultations between the States party to the Agreement, which will be completed next year in New York.

Responsible international trade is an essential aspect of guaranteeing fisheries for sustainable development. A fundamental machinery guaranteeing this would be schemes of certification and co-ticketing, always respecting international law. There must be effective market access in a non-discriminatory manner, eliminating unnecessary or hidden barriers or trade distortions in conformity with the provisions contained in the Code of Conduct for Responsible Fisheries.

As regards the impact of fishing on vulnerable marine ecosystems, Mexico believes that it is necessary to continue to find instruments to implement measures already adopted and to make those effective. Notably, there were measures adopted in 2006 regarding dragnet fishing in marine environments. The implementation of certain measures must prevent irreversible damage to ecosystems to avoid losses causing harm from which the environment cannot recover. That principle must be applied to deep-sea dragnet fishing.

The variety of subjects dealt with in both draft resolutions is reliable proof of the strategic importance of ocean issues at the global level over the past few years. The continuing productivity of oceans depends on their sustainable use and depends on the international community's recognition that the problems of the oceans are interrelated and should be considered in an integrated way.

Mexico supports both draft resolutions and hopes that in the future that we will be able to continue working in a responsible and cooperative manner with all other members of the Organization, as we try to deal with the new challenges facing the international community in the area of the oceans.

Mr. Hannesson (Iceland): I would like at the outset to thank the Secretariat, in particular the able staff of the Division for Ocean Affairs and the Law of the Sea, headed by the new Director, Mr. Václav Mikulka, for its comprehensive reports on oceans and the law of the sea and on sustainable fisheries. I would also like to acknowledge the professional manner in which the two coordinators, Ambassador Henrique Rodrigues Valle of Brazil and Ms. Holly Koehler of the United States, conducted the informal consultations on the draft resolutions before us, on oceans and the law of the sea and on sustainable fisheries. In fact, all the participants deserve credit for their good spirit and flexibility leading to an unusually prompt conclusion of the consultations this year.

The Convention on the Law of the Sea provides the legal framework for all our deliberations on the oceans and the law of the sea. Iceland welcomes recent ratifications of the Convention by Moldova, Morocco and Lesotho, bringing the total number of States Parties to 155, as well as signals of further ratifications in the near future. By ratifying and implementing the Convention, one of the greatest achievements in the history of the United Nations, the international community sustains and promotes a number of its most cherished goals. Every effort must be made to utilize existing instruments to the fullest before other options, including possible new implementation agreements under the Convention, are seriously considered.

The three institutions established under the Law of the Sea Convention are functioning well. The Commission on the Limits of the Continental Shelf is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. A number of coastal States, including mine, Iceland, have announced their intention to make submissions in the near future.

As the time limit for making submissions approaches, the workload of the Commission is anticipated to increase considerably due to an increasing number of submissions, placing additional demands on its members and on the Division for Ocean Affairs and the Law of the Sea. Iceland supports the decision of the seventeenth Meeting of State Parties to the Convention to continue to address, as a matter of priority, issues related to the workload of the Commission, including funding for its members attending the sessions of the Commission and the meetings of the subcommissions.

We welcome, in particular, the endorsement of the General Assembly, in paragraph 46 of the draft resolution on oceans and the law of the sea (A/62/L.27), of the request by the Meeting of States Parties to the Secretary-General to take timely measures, before the twenty-first session of the Commission in March, to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea, serving as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission and the subcommissions. In this context, we note with concern the information provided by the Division regarding the current level of staffing as well as inadequate hardware and software available to it which are required to support the Commission in the fulfilment of its functions.

Furthermore, we encourage States to make additional contributions to two voluntary trust funds in this field, that is, the voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States and the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission.

Marine genetic resources are receiving more and more attention by the international community and they were the focus topic of the eighth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea last June. The panel discussions of that meeting were very informative and States made good progress in developing consensual elements relating to this complex issue, although a final agreement was not reached.

In this light, we note with satisfaction the consensual elements relating to marine genetic resources contained in paragraphs 132 to 136 of the oceans and the law of the sea draft resolution which are drawn from the eighth meeting of the Consultative

Process. These paragraphs, as well as the report of the Consultative Process meeting, will provide a useful basis for further consideration of this issue at the meeting next spring of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

We remain to be convinced of the need for a new international legal regime for marine genetic resources in areas beyond national jurisdiction. In our view, the Law of the Sea Convention provides a sufficient legal framework in this respect and offers, at the same time, a great amount of flexibility. Iceland is willing to engage in a constructive debate for the purpose of finding fair and equitable practical solutions regarding the exploitation of marine genetic resources in areas beyond national jurisdiction within the existing legal framework.

The United Nations Fish Stocks Agreement is of paramount importance, as it strengthens considerably the framework for conservation and management of straddling fish stocks and highly migratory fish stocks by regional fisheries management organizations (RFMOs). The provisions of the Agreement not only strengthen in many ways the relevant provisions of the Law of the Sea Convention, but also represent an important development of international law in this area.

The effectiveness of the Agreement depends on its wide ratification and implementation. The Review Conference held last year provided an important momentum and we welcome the recent ratifications of the Agreement by Bulgaria, Latvia, Lithuania, the Czech Republic and Romania, bringing the number of States parties to 67. We look forward to the seventh round of Informal Consultations of States Parties to the Agreement, which has among its objectives the promotion of a wider participation in the Agreement. We note with satisfaction that many other States have announced their intention to ratify it in the near future.

Iceland has emphasized the role of the Food and Agriculture Organization of the United Nations (FAO) in the field of fisheries. As reflected in the draft sustainable fisheries resolution before us, the meeting of FAO's Committee on Fisheries, held in Rome last March, was very productive and prepared the ground for future work on many important issues. These include matters that the General Assembly has highlighted in recent years such as the protection of vulnerable marine ecosystems from destructive fishing practices, and the combating of illegal, unreported and unregulated (IUU) fishing.

With respect to the former issue, FAO's Committee on Fisheries decided, as requested in paragraph 89 of General Assembly resolution 61/105 on sustainable fisheries, to develop, through expert and technical consultations, technical guidelines for the management of deep-sea fisheries in the high seas. The guidelines will include standards and criteria for identifying vulnerable marine ecosystems in areas beyond national jurisdiction and the impacts of fishing on such ecosystems.

These standards and criteria will facilitate the adoption and implementation of conservation and management measures by States and RFMOs pursuant to paragraphs 83 and 86 of resolution 61/105. Iceland has made a financial contribution to this important work of the FAO. We note that the expert consultation has already taken place and encourage all relevant States to participate in the intergovernmental technical consultation which will be held in Rome in February.

The Committee on Fisheries meeting also took important decisions related to combating IUU fishing. First, it initiated a process to develop, through expert and technical consultations, a legally binding instrument on minimum standards for port State measures, as recommended in resolution 61/105. The expert consultation has already taken place and we encourage all relevant States to participate in the intergovernmental technical consultation which will be held in Rome in June.

Secondly, the meeting requested the FAO to consider the possibility, subject to the availability of funds, of an expert consultation to develop criteria for assessing the performance of flag States, as well as to examine possible actions against vessels flying the flags of States not meeting such criteria. In our view, this work is particularly relevant in strengthening and developing the legal basis for meaningful and effective measures against vessels engaged in IUU fishing on the high seas, where the flag State has failed to fulfil its obligations and take action. We are, in cooperation with other interested States, considering supporting this important initiative, including through preparatory work and funding, and note in this regard with

satisfaction paragraph 41 of the sustainable fisheries draft resolution (A/62/L.24).

There is growing concern over the adverse effects of global warming on the marine environment and marine biodiversity. Among other things, changing temperature and currents may affect the abundance of fish stocks in various ways, and there are indications that the migration patterns of some important fish stocks may be changing. In this context, we draw attention to paragraph 82 of the draft resolution entitled "Oceans and the law of the sea" (A/2/L.27), which

> "Encourages States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation."

Furthermore, we draw attention to paragraph 83 of the draft resolution, which

> "Calls upon States to enhance their efforts to reduce the emission of greenhouse gases, in accordance with the principles contained in the United Nations Framework Convention on Climate Change, in order to reduce and tackle projected adverse effects of climate change on the marine environment and marine biodiversity."

The impacts of climate change are hardly as clearly detectable in any place on our planet as in the Arctic, where huge quantities of sea ice and glaciers are already retreating. The sea ice in this area is retreating much more swiftly than scientists predicted, and now there is even speculation that the ice will disappear altogether. The retreat of ice and the warming of the seas will, together with advances in technology, offer new opportunities for navigation and exploitation of natural resources in the Arctic region. However, we must bear in mind that this region contains uncontaminated ecosystems with unique biological diversity, the conservation of which is vital. Care must be taken to ensure that the opening of new shipping routes and exploitation of natural resources will not endanger these sensitive ecosystems and to minimize detrimental effects on the marine environment.

Iceland places emphasis on good and close cooperation between States having an interest in the opening of shipping routes across the Arctic Ocean and the exploitation of natural resources in the region in the near future, based on rules of international law pertaining thereto, in particular the provisions of the Convention on the Law of the Sea.

Ms. Rodríguez de Ortiz (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela wishes to make a statement on agenda item 77 regarding the oceans and the law of the sea, in particular, sub-items (a) oceans and the law of the sea, and (b) sustainable fisheries.

My delegation attributes special importance to the subject of oceans and the law of the sea, which constitutes a priority issue due, among other things, to our geographical location and our concern over the environmental preservation of marine ecosystems. All of this must be done in keeping with international law.

The General Assembly, by adopting resolution 60/30, which followed up resolution 59/24, decided to convene in New York in February 2006 an informal open-ended working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction as a demonstration of the concern of the international community regarding the increasingly notable deterioration of the extensive marine ecosystems.

Recognizing the importance and scope of this issue, the Bolivarian Republic of Venezuela actively participated in the meetings, which were organized by the United Nations. In particular, we participated in the meetings of the working group, which emphasized that the Conference of the Parties to the Convention on Biological Diversity had been considering this subject since the adoption in 1995 of the Jakarta Mandate on Marine and Coastal Biodiversity. Following that, the States parties adopted in 2004 an expanded work programme, covering a period of 10 years, on marine and coastal biological diversity.

Also, at the eighth Conference of the Parties to the Convention on Biological Diversity in Curitiba, Brazil, in March 2006, the Conference recognized in decision VIII/24 the key role of the Convention in the work being moved forward by the United Nations. In addition, the sixty-first regular session of the General Assembly adopted resolution 61/222 on oceans and the

law of the sea, which explicitly contains a chapter on this subject reflecting the concerns of States that are not parties to the 1982 United Nations Convention on the Law of the Sea.

In this respect, due to the scope and importance of the subject, it should be stressed that Chapter X of resolution 61/222 is one of the most important chapters of the resolution. We take this opportunity to insist on the need to recognize the key and decisive role of the Convention on Biological Diversity in the work of the United Nations on this subject. That is why we are pleased that resolution 61/222 reflects it in an explicit manner.

In June 2007, the eighth meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea was convened in New York, the central theme of which was marine genetic resources, in accordance with the agreement in resolution 61/222. During that meeting, there was a long debate on how we should reflect the various views regarding the relevant legal regime which should regulate marine genetic resources beyond areas of national jurisdiction. After extensive, difficult negotiations among the various delegations, we tried to reach a consensus reflecting at least a basic agreement on how to deal with marine genetic resources within the framework of the General Assembly. The meeting came to an end without defining agreed elements.

Thus, it was agreed that we should clear up this lack of consensus through future discussions during the current Assembly session, in particular, and with a clear mandate to do so in the Informal Working Group that will meet in April and May 2008. During the recently concluded negotiations on the draft resolutions on oceans and the law of the sea, we reiterate the need to reflect in the text that any future negotiations in this universal framework should take into account the Convention on Biological Diversity. Next year, the Conference of the Parties to the Convention will take place, and at that time there will be additional input for the benefit of the working group. For that reason we reiterate our conviction that the Convention on Biological Diversity should play a key role, as it is an instrument that provides necessary input to the General Assembly and sets out the legal framework that should govern the work to be done in the future.

Accordingly, we will reiterate — as we did in the ad hoc open-ended informal working group in February 2006, in the Open-ended Informal Consultative Process meetings in June 2007, in the previous session of the General Assembly and in informal consultations on the draft resolution on oceans and the law of the sea — that there remain good reasons why Venezuela has not become a State party to the United Nations Convention on the Law of the Sea (UNCLOS) of 1982.

Mr. Hannesson (Iceland), Vice-President, took the Chair.

The report of the Secretary-General (A/62/169), contains the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its eighth meeting. The report notes in paragraph 33 that all mankind should be able to benefit from the long- and short-term benefits associated with the discovery of marine genetic resources. That is precisely why our delegation insists on the need for a legal regime that will make it possible for States not party to the United Nations Convention on the Law of the Sea to benefit. In that connection we ask — which instrument provides the legal framework to govern all actions on this issue? Our answer to that question is that the framework should be as broad as possible in order to make it possible for the group of States not party to the Convention to become parties to the Convention.

Many delegations here have emphasized the key role of the Convention on Biological Diversity in the work being done. In addition, the Convention on the Law of the Sea does not contain any provisions expressly governing that area. For that reason, Venezuela shares in the support expressed for paragraphs 44, 52 and 53 of the report. Those paragraphs, inter alia, state that in view of the broad experience gained under the Convention on Biological Diversity in this area, it should be considered the framework instrument governing the conservation and utilization of biological diversity in all its aspects. This document, thus, plays a key role in the work being done by the United Nations.

There have been many references in past reports of the Secretary-General noting that the Convention on Biological Diversity is very relevant to the problem of marine genetic resources beyond national jurisdiction. Here I refer to paragraphs 176 to 225 of document A/60/63/Add.1 and to paragraphs 188 to 233 of document A/62/66.

Above and beyond this international context, Venezuela has, within the national framework, reflected international law in its national legislation, including, inter alia, an organic law on aquatic and insular spaces, a law on fishing and fish farming and a legal decree on coastal areas. In that vein, the delegation of the Bolivarian Republic of Venezuela wishes to emphasize that the question of sustainable fishing is a priority area for our country. We have undertaken major initiatives to promote and implement programmes aimed at conserving, protecting and managing hydro-biological resources, within the framework of developing national legislation. In particular, the law on fishing and fish farming promotes the responsible, rational and sustainable development of those resources.

In connection with illegal, unreported and unregulated fishing, Venezuela has taken the necessary action to deal with that situation through regular reports, submitted to the regional fisheries management organizations of which we are a member, on the location and legal status of ships flying the Venezuelan flag on the high seas. Venezuelan legislation will require satellite positioning equipment for fishing ships greater than ten gross tons. We would also note the on-board observer programme that monitors — within the framework of the Inter-American Tropical Tuna Commission — the fishing of tropical tuna and its effect on dolphins, including illegal fishing, in the Eastern Pacific Ocean.

Another important aspect of Venezuelan legislation that we wish to stress involves the regulation of trawling, and here we have established a sanctions regime where there is a failure to abide by standards of conservation and resource management.

Internationally, Venezuela has implemented the principles of the Code of Conduct for Responsible Fisheries and Chapter 17 of Agenda 21 adopted at the 1992 United Nations Conference on Environment and Development. We have also participated actively in regional fisheries management organizations such as the Committee on Fisheries of the FAO and its subsidiary bodies, the Western Central Atlantic Fishery Commission, the Latin American Fisheries Development Organization, the Commission for Inland Fisheries of Latin America and the Caribbean and we have participated in the Inter-American Tropical Tuna Commission.

We are a contracting party to a number of international instruments, including the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and its Protocol concerning Specially Protected Areas and Wildlife. We are a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and to the Convention on Biological Diversity.

It is important to point out again that the Bolivarian Republic of Venezuela is not a party to the United Nations Convention on the Law of the Sea, nor are we a party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, nor are the international common law provisions of those international instruments applicable, except for those that the Bolivarian Republic of Venezuela has expressly recognized or will recognize in the future by incorporating them in internal legislation. The reasons that have prevented us from acceding to those instruments continue to exist.

In conclusion, we wish to take this opportunity to express our profound appreciation to the Federative Republic of Brazil for the splendid job that delegation has done as coordinator of the Informal Consultations on the subject. In particular, our thanks go to Ambassador Henrique Valle. At the same time we wish to thank all of those delegations that participated in the negotiations carried out during the Consultations for the understanding they showed towards the views submitted by my delegation. All of that is further proof of the fact that through negotiation and good will and through an understanding of various positions we can reach a final agreement.

The draft resolution on oceans and the law of the sea is palpable proof of what can be accomplished in the future at the United Nations, of the solidity of the foundations of our work, and of the validity of our international house — the United Nations — as the universal forum par excellence for multilateral negotiations.

Mr. Menon (Singapore): I have the honour to speak on agenda item 77 (a), "Oceans and the law of the sea". Singapore is an island nation with significant maritime interests. A large part of our environment

consists of marine and coastal areas. Our economy depends heavily on international shipping and trade. Singapore sees the United Nations Convention on the Law of the Sea as the principal framework for dealing with all issues relating to maritime rights and obligations. New and sometimes challenging issues have come up since the Convention was adopted, but the Convention continues to retain its relevance and pre-eminence.

The annual informal consultations on the omnibus draft resolution serve as a forum for Member States to come together and discuss key developments on oceans issues over the past year. This year was no different. The one departure from previous years, however, is that the informal consultations actually ended on time. I understand from many participants that this was a much welcome break from tradition. In this regard, we would like to congratulate Ambassador Henrique Valle of Brazil on his able leadership in coordinating draft resolution A/62/L.27. Singapore looks forward to the adoption of the omnibus draft resolution by the Assembly.

Last year, my delegation spoke about the worrying trend by some coastal States to tilt the balance of the Convention in favour of the environment. For example, we noted that Australia had imposed a system of compulsory pilotage in the Torres Strait. This is a strait used for international navigation that lies between Australia and Papua New Guinea. Australia explained that such measures are necessary to protect the sensitive marine environment of the Torres Strait and that these measures facilitate safe passage through those narrow and treacherous waters.

Singapore fully supports efforts to protect the marine and coastal environment and to ensure safety of navigation. But such measures must not contravene the carefully negotiated package enshrined under the Convention. Under the Convention, ships and aircraft transiting such straits enjoy the special regime of transit passage. A State bordering such straits must adopt a limited set of laws and regulations relating to transit passage through the straits. The laws and regulations that may be adopted are specifically laid out in article 42 of the Convention.

Other delegations reinforced this point in their statements in the Assembly last year. They have continued to do so this year. The message is that we need to respect the integrity and provisions of the Convention. We cannot pick and choose to comply with parts of the Convention that we like and ignore others that we do not. Neither can we misuse certain provisions in an attempt to justify measures that are inconsistent with the Convention. The Convention must be read as a whole, and it must be fully complied with.

Unfortunately, Australia continues to operate the compulsory pilotage system in the Torres Strait. This requirement of taking a pilot on board is imposed on all ships transiting the Strait. It is not just a condition of entry for Australian ports. In Singapore's view, this goes beyond what is permitted by article 42 of the Convention. The requirement to take a pilot on board, which Australia will enforce using its criminal laws, seriously undermines the right of transit passage which all States enjoy under the Convention.

Australia continues to argue that the compulsory pilotage system is consistent with the Convention because the Convention does not explicitly prohibit it as a means of enhancing navigational safety. Australia also continues to claim that the compulsory pilotage system has the approval of the International Maritime Organization (IMO). Both of those claims are untrue.

First, Singapore has consistently pointed out that Australia's actions threaten the delicate balance in the Convention between the interests of coastal States and the interests of user States in straits used for international navigation. Singapore fully supports efforts to protect the marine and coastal environment. But such measures must not contravene the Convention.

Secondly, Singapore has also explained that the IMO resolution cited by Australia as the basis of approval by that body was recommendatory in nature. The IMO resolution, therefore, does not provide any legal authority to impose compulsory pilotage in the Torres Strait or any other strait used for international navigation. This view was shared by a vast majority of countries that attended the recent IMO Assembly in London. Of those countries, 31 reaffirmed the recommendatory nature of that resolution. Only three spoke in opposition.

Singapore continues to take a very serious view of Australia's compulsory pilotage system, which we see as a contravention of the Convention. We have made these points clearly to Australia. Since the Assembly's consideration of this agenda item last year,

Singapore has met with Australia to discuss how to resolve our differences on the legality of the compulsory pilotage system. There has been no resolution so far. Singapore enjoys good bilateral relations with Australia. We will continue to work with Australia to try to resolve this issue amicably. We are also open to exploring other options where this issue can be given serious and appropriate consideration.

Let me be clear that this is not just an issue between Singapore and Australia. All of us who are concerned with protecting the sanctity of the Convention, particularly its provisions on navigational rights, have a stake in this issue. We have to point out that Australia's actions have broader implications for the integrity of the Convention. This is not just about what happens in the Torres Strait. If the international community allows this implementation of compulsory pilotage to go uncensured, this could potentially lead to an erosion of the right of transit passage in international straits, as well as navigational rights in other maritime zones enshrined by the Convention. This would have a serious impact on strategic, shipping, economic and energy interests all over the world.

I would like to reiterate Singapore's continued support and commitment to the promotion of maritime safety and security. We are happy that the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (RECAAP) continues to make progress. RECAAP was formally recognized as an international organization on 30 January 2007. The RECAAP Information Sharing Centre, which Singapore is pleased to host, became fully operational within seven months of its official launch in November 2006. That took place ahead of schedule. We believe that the RECAAP Information Sharing Centre can play a unique role in the international effort against piracy and armed robbery, through operational linkages and working relationships with all relevant stakeholders, including the IMO. We are, therefore, pleased to welcome the decision taken at the twenty-fourth IMO Extraordinary Session last month to approve the formal Agreement of Cooperation between the IMO and the RECAAP Information Sharing Centre. This will enable both parties to benefit mutually from information exchange and coordination on matters of common interest.

At the recent IMO meeting held in Singapore in September 2007, a landmark decision was taken to adopt a Cooperative Mechanism that would provide a framework for littoral States and user States to work together for the safety of navigation and environmental protection in the Straits of Malacca and Singapore. Owing to the initiative of the IMO and the cooperative attitudes of the three littoral States of Indonesia, Malaysia and Singapore, the user States and the shipping industry, we have finally been able to implement article 43 of the Convention. This will ensure that ships passing through the Straits of Malacca and Singapore are accorded the right of transit passage as provided for under international law, while respecting the sovereignty of the littoral States.

Finally, as part of our efforts to promote and encourage adherence to the Convention, the S. Rajaratnam School of International Studies at the Nanyang Technological University of Singapore, together with the Center for Oceans Law and Policy at the University of Virginia School of Law, will be organizing a conference entitled "Freedoms of the seas, passage rights and the 1982 Law of the Sea Convention" from 9 to 11 January 2008. The conference will be held in Singapore. We hope that the conference will help create greater awareness about the freedoms, rights and jurisdiction accorded to States under international law.

Mr. Bowoleksono (Indonesia): Let me begin by thanking the Secretary-General for his comprehensive report entitled "Oceans and the law of the sea", contained in document A/62/66 and its two addenda. Our appreciation also goes to the Division for Ocean Affairs and the Law of the Sea and the Secretariat for their commitment to this subject matter.

Twenty-five years ago today, the United Nations Convention on the Law of the Sea (UNCLOS) was opened for signature at Montego Bay, Jamaica, following its adoption after nine years of marathon negotiations. Remarkably, 119 countries signed the Convention on the very first day. It is also noteworthy that, since then, the Convention has received very broad support from the international community, as reflected in its current 155 States parties. Indeed, that is a reflection of the universality of the Convention as the constitution of the oceans, to govern every aspect of the use and resources of the seas and any activities relating to the ocean space.

Despite that, it is obvious that much remains to be done to effect the implementation of the

Convention. Among other things, States need to strengthen their cooperation, if they are truly to promote the use of marine resources in a responsible and mutually beneficial manner. Of particular relevance in that connection is the protection and preservation of the marine ecosystem from pollution and physical degradation. The increasing use and the exploitation of marine resources — side by side, of course, with the advancement of technology — pose a big challenge for us in the preservation of the marine ecosystem.

Moreover, the marine environment and marine biodiversity have been affected adversely by global warming. The warming of the climate system is unequivocal, as has been revealed in the findings of the Intergovernmental Panel on Climate Change. The widespread melting of polar regions, which causes a rise in average global sea levels, has affected us in many ways.

As an archipelagic country, the increase in temperature is evident in Indonesia, as it affects coastal livelihoods and the marine biodiversity of our waters. What is worse is that, according to certain projections, if that pattern continues and sea levels continue to rise, as many as 2,000 Indonesian islands could be lost completely in just two decades. We are not alone. Many island nations have also expressed alarm that rising sea levels could similarly eliminate them from the map.

As glaciers retreat, water supplies are also being put at risk. Changing weather patterns also threaten to exacerbate desertification, drought and food insecurity for populations living in dry lands, especially those in Africa. No nation or peoples should have to pay that kind of price. The international community therefore has the common but differentiated responsibility to act in concert in order to mitigate the challenge of global warming by, inter alia, mapping out concrete action to tackle climate change after 2012, when the first commitment period under the Kyoto Protocol ends.

We hope that by the time the United Nations Climate Change Conference at Bali wraps up this week, a major step will have been taken to avert those horrifying projections. As such, the Bali Conference should agree on the establishment of a future framework for a post-2012 agreement that includes mitigation, adaptation, technology, investment and financing.

A similar challenge faces us in promoting the responsible harvesting of living marine resources on the high seas. Advances in technology have led to a serious depletion of the world's fisheries and contributed to the degradation of the marine ecosystem. We certainly have the obligation to avoid a "tragedy of the commons" due to over-exploitation of the common resources in the high seas. States can promote the long-term sustainable protection of shared fish stocks through domestic legislation and cooperation with other countries, including regional fisheries management organizations.

For our part, Indonesia, in partnership with Australia, co-hosted a regional ministerial meeting in May this year on promoting responsible fishing practices. That important event was attended by high-level representatives of the countries of the region dealing with this issue, as well as representatives of the United Nations Food and Agriculture Organization. While affirming the important contribution of shared fish stocks in the region as a source of food, we decided to take collective action to enhance the overall level of conservation and management of the fishery resources in the South China Sea, the Sulu-Sulawesi Seas and the Arafura-Timor Seas. To meet that objective, countries of the region adopted a regional plan of action.

While providing a legal framework for all ocean-related activities, we should not lose sight of some issues that have not adequately been addressed by the Convention. Two conditions have contributed to that situation. The first relates to technological advances since agreement was reached on the Convention. Progress in technology reveals new ways to take advantage of ocean resources that were previously unanticipated. The second is the comprehensive nature of the Convention to cover 25 subjects and issues related to practically every aspect of the use of the sea. The Convention might therefore only provide a general legal framework on certain issues.

The ongoing discussion on the issue of a legal regime covering marine genetic resources beyond areas of national jurisdiction mirrors our undertaking to further clarify the Convention. The different views expressed in the last session of the Informal Consultative Process clearly reflected the challenge we are facing in the implementation of the legal regime on the matter deriving from the Convention.

While acknowledging that further discussion is needed for the purposes of clarification, my delegation wishes to underscore the importance of ensuring the integrity of the Convention.

In a separate development, my delegation welcomes the recent adoption at Nairobi of the International Convention on the Removal of Wrecks. That comes as a very critical moment, as it clarifies the rights and obligations of States on the identification, reporting, locating and removal of hazardous wrecks, in particular those found beyond territorial waters, and the financial security arrangements to cover liability for the costs of removing such wrecks. The adoption of the Wreck Removal Convention will secure the ability and authority of States to have removed from waters beyond their territorial seas wrecks that may pose a hazard to navigation and a threat to the safety of navigation and the maritime environment. While ship owners and their insurance companies share the obligation to remove such wrecks, my delegation is of the view that flag States should play a pivotal role and take appropriate measures to ensure the compliance of ships flying their flags or of their registry in line with their international liability.

Finally, let me touch briefly on the issue of the safety of navigation and maritime security. We certainly will have the benefit of extensive discussions on that matter during next year's meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The reports before us note the growing awareness worldwide of the challenges to maritime security and the necessity for international cooperation in order to prevent and combat the threats to it. That is a matter of great importance to us in Indonesia — and one that is being tackled seriously at the domestic level. In addition, we have also enhanced cooperation with the countries of the region and other stakeholders through, inter alia, best practices, joint patrols and information-sharing.

We are pleased to note the decrease between 2005 and 2006 in the number of acts of piracy and armed robbery against ships reported to the International Maritime Organization for the Asian region, including armed robbery in the Straits of Malacca and Singapore. That positive trend continues to prevail this year. However, we should avoid the temptation of complacency in considering that commendable development. We must continue to enhance cooperation at various levels.

In that regard, Indonesia continues to be determined, together with other littoral States in the Straits of Malacca and Singapore, to ensure the safety and security of navigation in the area. We believe that the recent establishment of the Cooperative Mechanism of the Tripartite Technical Experts Group by the three littoral countries is a strong step in that direction.

Mr. Sivagurunathan (Malaysia): My delegation is pleased to participate on the debate on sub-item (a) of agenda item 77, entitled "Oceans and the law of the sea", and would like to express our gratitude to the Secretary-General for his comprehensive report on oceans and the law of the sea, as contained in documents A/62/66 and addenda 1 and 2.

Today marks an important milestone in the history of the United Nations Convention on the Law of the Sea. Twenty-five years ago, we concluded the discussions on the Convention at Montego Bay, Jamaica. It was the culmination of more than 14 years of work. The Convention was a feat that is unmatched to this day, with a record 119 delegations signing it on the very first day it was open for signature. That was an unprecedented event, and it has never been matched by the opening for signature of any other treaty. For the first time, a set of rules for the oceans was established, bringing order to a system fraught with potential conflict.

The Convention, often referred to as the constitution of the seas, is based on an all-important idea — that the problems of the oceans are closely interrelated and must be addressed as a whole. Thus, it is not possible for a State to choose what it likes and to disregard what it does not like; rights and obligations go hand in hand. It is not permissible to claim rights under the Convention without being willing to shoulder the corresponding obligations.

Malaysia has been actively involved in most of the discussions on issues relating to oceans and the law of the sea in the United Nations as well as in related bodies. As a maritime and coastal State in one of the busiest straits in the world, the Strait of Malacca, Malaysia takes particular interest in the legal regime governing the oceans and seas. The Convention is born of a marriage, or compromise, between prophecy and retrospection. Looking at it as a compromise reveals its weakness, but looking at it as a marriage gives rise to encouragement and hope for the future. The

Convention has produced many innovative concepts and principles that are dear to its States parties.

Malaysia welcomes the progress made in the work of the three bodies established by the Convention, namely, the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. We welcome the continued focus of the work of the International Seabed Authority on scientific and technical efforts to carry out its functions under the Convention and the Agreement relating to the implementation of Part XI of the Convention and, in particular, to promote a better understanding of the potential environmental impact of deep-seabed mining.

The International Tribunal for the Law of the Sea has been active as an independent judicial body established by the Convention to adjudicate disputes arising out of its interpretation or application. It continues to play an important role in the settlement of disputes between States parties. It has decided on a number of cases involving a wide variety of issues, such as freedom of navigation and other internationally lawful uses of the sea, the enforcement of customs laws, the refuelling of vessels at sea, the right of hot pursuit, the conservation and sustainable use of fish stocks and provisional measures and matters involving land reclamation. The Tribunal enjoys an excellent reputation by virtue of its fairness and integrity. Malaysia values the important role that the Tribunal is playing, and we continue to support its work in that regard.

Malaysia commends the valuable work undertaken by the Commission on the Limits of the Continental Shelf. We note that the deadline is fast approaching for the submission by coastal States parties of their continental-shelf claims. When the Commission was established, it was estimated that there would be only 33 submissions, whereas now it is estimated that there will be at least 65 projected submissions before the 13 May 2009 deadline. That clearly shows that the Commission's workload is going to increase. At the 17th meeting of States parties, held in June this year, there was a lengthy discussion on the issue of the Commission's workload, focusing on how to improve and support the work of the Commission. It was agreed that the Division for Ocean Affairs and the Law of the Sea, which acts as the Commission's secretariat, should be strengthened, not only in terms of human resources, but also in terms of adequate equipment and computer software.

We have been briefed by the Chairman of the Commission and the Director of the Division as to the urgency of this request, which is aimed at enabling the Commission to do its work at next year's session. With the proper resources, the Division would be in a position to do the groundwork before the Subcommission considers the submissions. We welcome the spirit of flexibility and understanding shown by delegations in accepting the fact that that will entail extrabudgetary resources during our negotiations on the omnibus draft resolution. We hope that the same delegations will approve that request when it is considered by the Fifth Committee.

In conclusion, my delegation wishes to express its appreciation to the coordinators of the two draft resolutions under this agenda item, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, and to the delegations that made valuable contributions during the consultation process. Those delicately balanced draft resolutions are the fruit of two months of our labour, and it is our sincere hope that all Member States will support them in the spirit of cooperation.

Mr. McNee (Canada): Canada is a coastal State bordering three oceans. It has the longest coastline in the world and is home to many coastal communities whose livelihoods are linked to domestic and international fisheries and other uses of the ocean. Consequently, Canada has a strong interest in ensuring the sustainable use of ocean resources and in reducing the risks of ocean degradation.

Canada is therefore pleased to be a sponsor of the draft resolutions on sustainable fisheries (A/62/L.24) and on the law of the sea (A/62/L.27). We are grateful for the spirit of cooperation and flexibility shown by all delegations during the consultations, under the able leadership of Ms. Holly Koehler of the United States of America and Ambassador Henrique Rodrigues Valle and Mr. Carlos Perez of Brazil.

Canada also appreciates the work of the Division for Ocean Affairs and the Law of the Sea in supporting those discussions. The Division's officials have provided key assistance to Canada in co-chairing the Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

Improved fisheries and oceans governance is an issue of great importance to Canada and an increasingly urgent theme in this debate in recent years. Canada is pleased with the progress achieved this year in improving international fisheries management, especially in the efforts to reform the regional fisheries management organizations (RFMOs), the actions against illegal, unreported and unregulated (IUU) fishing and the international efforts to support better ecosystem protection. The fact that Member States have undertaken many new commitments and are moving forward in the implementation of existing ones can be seen in the two draft resolutions that we are discussing today.

However, while we have undertaken new commitments and the beginnings of reform, the real issue will be whether they are acted upon, determinedly and collectively, in order to have a measurable impact on fisheries resources, including their recovery, and on the health of the oceans.

The world is watching not just our words, but also our actions. IUU fishing is a high-profile economic activity that occurs where its benefits exceed its risks. Solutions aimed at removing its underlying incentives are complex. Such fishing is every State's problem, and its eradication requires international cooperation. It requires action by flag States, through improved vessel surveillance and control and penalties for non-compliance, but also by port States that allow fisheries products to be landed and by market States that allow such products to enter markets.

Through the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO), we have launched discussions on a binding instrument on minimum port-State measures, as well as on the development of flag-State performance criteria. In the words of the Ministerial High Seas Task Force, we are "closing the net" on IUU fishing, at least in terms of legal instruments. Acting on those commitments will take intense international cooperation from all, if they are to play their role in actual fisheries sustainability and recovery.

IUU fishing is not the only problem that confronts international fisheries management. Institutionalized over-fishing is too often overlooked in the zeal to end IUU fishing but may be as, or more, important to address. Canada is pleased with the increasing international momentum on the reform of RFMOs. The commitment to reform must now translate into implementation of modern management principles and practical measures. The credibility of RFMOs as the primary vehicles for high-seas fisheries governance is at stake.

Canada is especially pleased by the recent adoption of amendments to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries of the Northwest Atlantic Fisheries Organization (NAFO). Those amendments incorporate principles of the United Nations Fish Stocks Agreement and improve NAFO's decision-making process. However, the effectiveness of NAFO, like other RFMOs, will be judged on whether it is able to result in sustained improvements in fishing behaviour and improvements in the status of the stocks it manages and the protection of their ecosystems.

Canada looks forward to future work in NAFO, in early 2008, on further actions to strengthen the protection of vulnerable marine ecosystems in the NAFO regulatory area, in the light of the new international standard set in the 2006 sustainable fisheries resolution. Implementing that standard is a collective challenge that must be responded to with determination. Canada is fully committed to doing so. NAFO responded to that challenge by closing commercial fishing on four seamount areas and by establishing a coral protection zone.

In early 2007, members of tuna RFMOs and their secretariats and other parties met jointly in Kobe, Japan, to discuss common challenges in global tuna management, which is the subject of intense international scrutiny and concern. Tuna RFMOs and their membership must prove able to effectively manage stocks for which they are responsible. Otherwise, the reputation of all RFMOs as a credible foundation of resource management could be jeopardized. In the light of commitments made in Kobe, Canada is disappointed that more definitive action has not been taken, as the opportunity has arisen, to take stronger conservation measures to protect tuna.

Another high-profile issue addressed in the sustainable fisheries draft resolution is the call on States, including through RFMOs, to do more to implement fully the FAO International Plan of Action for the Conservation and Management of Sharks. Canada introduced its national plan of action on sharks

in March of this year. As the United Nations body responsible for global fisheries issues, it is appropriate that the FAO itself report in 2009 on actions being taken to improve shark management and protection. With that deadline in mind, States and RFMOs will need to take stronger action aimed at the conservation and management of sharks.

For Canada, the United Nations Fish Stocks Agreement is the foundation for strong management of straddling fish stocks, highly migratory fish stocks and, potentially, discrete fish stocks. Canada therefore strongly supports the convening of the seventh informal consultations of States parties to the Agreement, where we expect discussion to focus substantively on means to strengthen the Agreement's implementation and on how to encourage increasing participation in that key instrument. We welcome the States that have become parties to the Agreement in 2007 — namely, Latvia, Lithuania, the Czech Republic and Romania — thereby bringing the total number of parties to 67. We hope to welcome additional States in 2008.

(*spoke in French*)

Canada believes that the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea is of great value, given the opportunities it provides to States to learn first-hand from experts on issues. That is especially the case as regards emerging issues, where a strong foundation of shared understanding facilitates international debate. For example, the discussions regarding marine genetic resources during the seventh meeting of the Informal Consultative Process were quite fruitful, especially as they made it possible for everyone to better understand those resources. Those discussions will also be of value in numerous international forums, and it is essential that all interested States be able to take part.

The Informal Consultative Process Trust Fund, which must necessarily be replenished, must be able to continue to facilitate the participation of developing countries in the Process. Canada will make a contribution to the Trust Fund before June 2008 and hopes that other developed countries will do the same.

Of all the discussions that have taken place in numerous forums recently, the debate on climate change and oceans has been the most visible in the media. There is a host of concerns associated with that issue, including, as pointed out by the draft resolution, ocean acidification, which could have far-reaching effects on the ecosystem. Given the role of oceans in global cycles and the impacts and adaptation that will need to be understood and planned for collectively, Member States can help to address those issues by focusing more on the importance of oceans at both the national and international levels.

In conclusion, although emerging issues such as these can figure prominently among our priorities, we must not forget that the United Nations Convention on the Law of the Sea continues to be the legal framework governing all activities in oceans. Nor should we forget that the functioning of the institutions emanating from it are important to Canada. In that context, Canada agrees that the Commission on the Limits of the Continental Shelf must have sufficient resources to play the very important role entrusted to it, namely, to make recommendations to States on the establishment of the outer limits of their continental shelves, in accordance with the Convention on the Law of the Sea.

The themes and commitments contained in the draft resolutions before us represent our ambitions with regard to our role as responsible stewards of fisheries and oceans on behalf of those who rely upon them. If we want to translate our words into deeds and achieve tangible results vis-à-vis the health of oceans and marine life, we must be resolutely committed to cooperate on the national, regional and international levels. That is what world public opinion and future generations will judge our actions against; and that must also be the benchmark for judging our success.

The Acting President: I have received requests from the Observers of the International Tribunal for the Law of the Sea and the International Seabed Authority to be the last speakers in the debate on this item this afternoon. It is my understanding that those two observers, for whom this item is of direct and immediate concern, will have to depart New York this evening.

Unless I hear any objection, I shall therefore take it that the General Assembly agrees, without setting a precedent, to hear from the Observer of the International Tribunal for the Law of the Sea and Observer for the International Seabed Authority as the last speakers in the debate on this item this afternoon.

It was so decided.

The Acting President: In accordance with General Assembly resolution 51/204 of 17 December 1996, I now call on His Excellency Mr. Rüdiger Wolfrum, President of the International Tribunal for the Law of the Sea.

Mr. Wolfrum (International Tribunal for the Law of the Sea): It is a great honour for me to address the General Assembly for the third time. I wanted to report to the Assembly on the organizational and judicial developments, which have taken place with respect to the Tribunal since the last meeting of the General Assembly. Due to time constraints, I will skip the organizational matters and concentrate on judicial matters, highlighting some developments so that my colleague and friend, His Excellency Satya Nandan, will also have a few minutes to address the Assembly.

This year, the Tribunal delivered two judgements in urgent proceedings regarding prompt release of vessels. One concerned the *Hoshinmaru* Case and the other, the *Tomimaru* Case. In addition, the Special Chamber formed to deal with the case between Chile and the European Community concerning the conservation of swordfish stocks in the South-Eastern Pacific rendered an order regarding the postponement of term limits. The two prompt-release cases, actually applied for on the same day, concern the prompt release of two fishing vessels. They raised a couple of very interesting judicial questions which I will not go into, but it was the first time that the Law of the Sea Tribunal had dealt with questions of acquiescence and confiscation, to name just two of the judicial elements. In the end, the two States parties promptly complied with the two judgements, and I am glad to report that the *Hoshinmaru* was released on the same day the bond was posted.

Let me come to the second issue to which I would like to draw the Assembly's attention. The two new cases the Tribunal has adjudicated this year were confined to instances where the jurisdiction of the Tribunal is a compulsory one, namely prompt release of vessels and crews.

I should stress however that the primary task of the Tribunal is to settle disputes arising from the interpretation and application of the Convention. Since only a limited number of States have made declarations under article 287 of the Convention, it is hoped that an increasing number will make such declaration as called for in the draft resolution. I would like to mention that Trinidad and Tobago had recently made such a declaration, and I very much hope that other States will follow that example.

The choice of procedure under article 287 of the Convention is of particular relevance as, apart from the Tribunal, there are two other compulsory procedures under the Convention, namely the International Court of Justice and arbitration constituted in accordance with Annex VII of the Convention. The default procedure, however, is arbitration constituted in accordance with Annex VIII of the Convention. That explains why the provisional measures, cases the Tribunal has dealt with under article 290, paragraph 5, of the Convention were subjects of subsequent proceedings before Annex VII on arbitral tribunals. I am referring to the Southern Bluefin Tuna Cases, the Mox Plant Case and the Land Reclamation Case recently referred to by the representative of Malaysia.

In handling those cases, the Tribunal has not only made a significant contribution to the development of environmental law, but has also assisted the parties in resolving their differences. In that regard, allow me to refer to an article published by Professor J.G. Merrills, who stated that it was clear that in all three cases the main substantive contribution came not from Annex VII, concerning the arbitration tribunal, which was supposedly designed to determine the merits, but rather from the International Tribunal for the Law of the Sea exercising its incidental jurisdiction.

I will briefly highlight the advantages of the Tribunal over arbitration. Parties may choose any of the 21 judges to sit on the Chamber or may also appoint judges ad hoc. Parties may also propose modifications or additions to the rules of the Tribunal if they choose an ad hoc Chamber. Furthermore, parties do not have to bear the costs of any fees and the Tribunal is free to States parties. Likewise, the remuneration of judges and registry staff members is financed through the regular budget of the Tribunal and not by the parties to the disputes. This is particularly advantageous when all the costs relating to the functioning of an arbitral tribunal are taken into consideration, namely remuneration of arbitrators, registrar, registry staff members, rental of premises and translation and interpretation services.

As has already been mentioned, the Tribunal is called upon to give an interpretation not only of the

Law of the Sea Convention, but also of other law of the sea-related conventions. Reference has also been made to the Nairobi International Convention on the Removal of Wrecks. It is to be hoped that in future, other such international agreements will contain a dispute settlement clause such as that contained in the Nairobi Convention. The full text of my statement now being distributed, will hopefully also be available to the Assembly in electronic form.

The Acting President: I thank the President of the International Tribunal for the Law of the Sea for his indication that his interesting and very detailed text will hopefully be available in electronic form.

In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on His Excellency Mr. Satya Nandan, Secretary-General of the International Seabed Authority.

Mr. Nandan (International Seabed Authority): I thank you, Sir, for allowing me to speak at this late hour, and thank the Assembly for making that possible. I also thank the interpreters for their forbearance. I will try to abridge my statement, but will subsequently circulate the full text.

As others have already noted, today is a very significant day in the life of the United Nations Convention on the Law of the Sea. It is 25 years to the day since the Convention was opened for signature at Montego Bay, Jamaica. I recall that occasion vividly as I signed the Convention on behalf of my country. The opening for signature was itself a significant occasion, but more importantly, on that day 119 countries came forward to sign the Convention. That was a remarkable achievement for a complex and comprehensive convention. Moreover, it represented the broad support the Convention had already generated among the international community.

Since then, in order to promote universal participation, we have resolved the outstanding issues on Part XI through the 1994 implementation Agreement. We have also further elaborated the Convention through the 1995 Fish Stocks Agreement. As a result, there are today 155 parties to the Convention.

I congratulate all members of the General Assembly on that impressive achievement, which brings to fruition the hopes of all those who spent so many years negotiating a regime that would be acceptable and thus receive the support of all States. Slowly but inexorably, the goal of universal acceptance has been achieved, as is evidenced in State practice. That is indeed a cause for celebration.

In the 1970s, when the negotiations on Part XI of the Convention were undertaken, we were led to believe that seabed mining was imminent. The initial predictions on which much of the Part XI regime was based proved to be unduly optimistic in the light of changing political and economic circumstances. The result was a prolonged delay as States and commercial entities adjusted their priorities to meet the demands of a changing global outlook.

The world continues to evolve, however. At this moment, the day when the commercial mining of seabed resources becomes a reality is closer than at any time during the past 25 years. The two main drivers of commercial activity have always been economics and technology. Human ingenuity can rapidly solve technological problems if economic conditions are such as to encourage investment in technology.

Over the past few years, there has been a surge in demand for most of the metals that would be derived from seabed mining. That has led to a rapid and dramatic increase in the price of metals on the world market. Metal market prices rose drastically in 2006, with prices for most metals breaking historical records. Much of that increase in demand and price was driven by surging economic growth in developing new economies, such as those of China, India and Brazil. The result is that current economic conditions for seabed mining are promising and becoming increasingly favourable. One clear indicator of that is the fact that the private sector is taking the lead in developing marine mineral resources in the Western Pacific and has announced a target date of 2010 for commercial production.

The long delay in commercial seabed mining since 1982 has not meant that States parties to the Convention have been idle. In fact, the delay has benefited the international community in at least three ways. First, it has enabled States to work together to establish the International Seabed Authority on a solid footing, based on economy, efficiency and sound free-market principles. Secondly, it has allowed scientists to gain an immeasurably greater understanding of the deep-ocean environment through research and intensive study. Thirdly, it has provided sufficient time

for further elaboration of the legal regime for deep-seabed mining through the regulations adopted by the Authority.

This regime is based not only on sound economic principles, but also on rigorous environmental standards, including the application of the precautionary approach. Indeed, it is fair to say that there are few other activities in the oceans that have been studied and regulated to such a detailed extent before the activity has even taken place.

Most examples of environmental regulation occur as a response to environmental degradation, often as a result of the over-utilization of resources and the incidental destruction of habitats. In the case of the Authority, most of the efforts over the past 10 years have been spent on encouraging the study of deep-sea environments and on working together with scientists from around the world to analyse and disseminate the results of such research for the benefit of all States.

A very good example of this is the recently concluded Kaplan project, which was the first and most successful attempt to analyse the species composition and rates of gene flow of living organisms across the abyssal plains of the Clarion-Clipperton Fracture Zone in the Central Pacific Ocean. The final report of that four-year project, which brought together scientists from the United Kingdom, Japan, France and the United States, was published in May 2007. As a result of the project's success, the Authority is now in discussions with the Global Census of Marine Life on Seamounts (CenSeam) to conduct a similar study of the genetic makeup of the biota on seamounts.

One of the key outcomes of the Kaplan project is a set of recommendations as to scientific criteria for the establishment of marine protected areas, which we refer to more accurately as preservation reference zones. The purpose of such zones would be to safeguard biodiversity in the Clarion-Clipperton Fracture Zone in anticipation of nodule mining.

As far as seabed mining is concerned, the need to set aside areas to preserve their unique flora and fauna was recognized by the drafters of the Convention itself. Under article 162, subparagraph 2 (x), of the Convention, the Council of the Authority has the power to disapprove areas for exploitation where substantial evidence indicates the risk of serious harm to the marine environment. Similarly, under the regulations governing exploration for polymetallic nodules, contractors are required to designate so-called preservation reference zones where no mining shall occur, in order to ensure representative and stable biota of the seabed. Taking into account the outcomes of the Kaplan project, the Authority intends to work with scientists, contractors and the Legal and Technical Commission to develop a comprehensive proposal to establish such reference zones in the Clarion-Clipperton Fracture Zone.

Of course, the increasing likelihood that commercial mining will take place in the foreseeable future makes it all the more important that the Authority complete its work as soon as possible on the elaboration of regulations for exploration for polymetallic sulfides and cobalt-rich crusts. Progress to date on those regulations has been slow. Although it is easy to criticize from the outside, I believe that, far from indicating a lack of will or determination, the length of time that it has taken to develop the regulatory framework for these resources in fact indicates the extreme seriousness with which States have approached the task.

I wish to recall that, in 2006, the Assembly of the Authority made the momentous decision to establish an Endowment Fund. The purposes of the Fund are to promote and encourage the conduct of marine scientific research for the benefit of mankind as a whole. That is to be achieved in two ways: first, by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes; and secondly, by providing them with opportunities to participate in international technical and scientific cooperation, including training, technical assistance and scientific cooperation programmes. In 2007, the Assembly adopted detailed rules of procedure and guidelines necessary for the operation of the Fund. The significance of those decisions cannot be overstated. If the concept of the common heritage of mankind is to mean anything, it is essential that not only the benefits of the resources of the deep seabed, but also scientific knowledge, be shared among all States.

Finally, I wish to remind all members of the Authority that they have the duty to attend and participate in its meetings. In the past, there was considerable concern expressed in the Assembly of the Authority regarding the timing of meetings. In response to those concerns, and with the cooperation of the Department for General Assembly and Conference

Management, this year we have brought forward the annual meeting of the Authority, in the expectation that there will be better attendance, to overcome the recurring problem of lack of a quorum for the meetings of the Assembly of the Authority. Thus, instead of during the usual July-August period, the forthcoming session of the Authority will be held from 26 May to 6 June. That will be preceded by a week-long meeting of the Legal and Technical Commission. I therefore urge all Member States to do their part to ensure that they are represented at the meetings of the Authority in Kingston, especially as we have a number of important decisions to take at the next session.

The Acting President: We shall continue the debate on this item at a later date to be announced in due course.

I wish to thank the interpreters and everyone involved in making it possible to continue to this late hour.

The meeting rose at 6.30 p.m.